

From: Adm14Pruitt, Scott
Location: Administrator's Office
Importance: Normal
Subject: Briefing re: Fiat-Chrysler Case
Start Date/Time: Thur 4/6/2017 6:00:00 PM
End Date/Time: Thur 4/6/2017 6:30:00 PM

To: Lyons, Troy[lyons.troy@epa.gov]
Cc: Palich, Christian[palich.christian@epa.gov]; Shimmin, Kaitlyn[shimmin.kaitlyn@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Badalamente, Mark[Badalamente.Mark@epa.gov]; Emmerson, Caroline[Emmerson.Caroline@epa.gov]
From: Starfield, Lawrence
Sent: Wed 5/17/2017 10:18:32 PM
Subject: RE: Susan Bodine

Troy,

This is great news, and we are happy to help. We will start assembling the requested materials. Our primary point of contact will be Caroline Emmerson, Director of OECA's Policy & Legislative Coordination Division.

Acting DAA Mark Badalamente and I are also available to help.

Thanks.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

Sent from my Windows Phone

From: Lyons, Troy
Sent: 5/17/2017 5:59 PM
To: Starfield, Lawrence
Cc: Palich, Christian; Shimmin, Kaitlyn; Jackson, Ryan
Subject: Susan Bodine

Lawrence,

I hope this email finds you well.

As you know, Susan Bodine has been nominated by President Trump to serve as the AA for the Office of Enforcement and Compliance Assurance. OCIR will lead the Susan's confirmation process; however, we will work closely with OCEA to assist.

One of the first steps we need to do is to compile a briefing book for Susan. There will be many

components and I will need your team's help in compiling information regarding OCEA; specifically:

1. Background/Mission of OCEA
2. Highlights/Hot Spots for OCEA
3. Delegations and lines of authority from regions to HQ
4. Some regional counsel report to oeca and some to OGC
5. State review framework info
6. NPM guidance
7. Enforcement priorities

I appreciate your assistance in this process and look forward to working with you.

Troy M. Lyons

Associate Administrator

Congressional & Intergovernmental Relations

U.S Environmental Protection Agency

Ex. 6 - Personal Privacy

To: Pirzadeh, Michelle[Pirzadeh.Michelle@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]
From: Jackson, Ryan
Sent: Fri 3/24/2017 11:10:31 PM
Subject: FW: [image2017-03-24-061555.pdf](#)

All –

Ex. 5 - Deliberative Process

Thank you

Ryan.

From: DC-WJCN-3402-M@epa.gov [mailto:DC-WJCN-3402-M@epa.gov]
Sent: Friday, March 24, 2017 6:16 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject:

From: McFadden, Kelly
Sent: Thursday, March 23, 2017 7:50 PM
To: Bingham, Kimberly <Bingham.Kimberly@epa.gov>; Toney, Anthony <Toney.Anthony@epa.gov>
Cc: Schulze, Chad <Schulze.Chad@epa.gov>
Subject: Spectrum Brand Black Flag and Lowe's SSUROs

Tony and Kimberly,
Don Lott (OECA) informed me today that Don Benton, White House Advisor (and previous WA senator) has requested that Region 10 issue two Stop Sales (SSUROs) to Lowe's Corporate and to Spectrum Brand Corporate for the production and distribution of Black Flag disposable fly traps.

OECA was provided a tip/complaint from Sterling International (a fly trap competitor) that Black Flag was on the market and should be removed back in 2013. Lowe's was contacted and the product was removed from the shelves. In September 2016 Region 10 inspected Lowe's (Seattle, WA) and sampled 2 boxes of the products from the shelves. We also found the product on Spectrum's website, purchased 8 boxes, and sampled them. The lab didn't find the AI that we were told to look for but found an intermediate used to prepare other chemicals (2-Piperidinone (CAS 675-20-7), a chemical compound classified as Lactam). We submitted an ECR to OECA and OPP and received a response in March 2017 that classified it as an AI.

The corporate office for Spectrum is in Middleton, WI. However, we have received permission from R5 (Ignacio, Mardi, Dave S.) to go ahead and issue the SSURO. The corporate office for Lowe's is in Mooresville, NC.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

I will be in R3 next week (112r/EPCRA national conf) but feel free to email me with questions, concerns or your decision.

Thank you
Kelly

Kelly McFadden, Manager
U.S. EPA Region 10
Pesticides and Toxics Unit
1200 -6th Avenue, Suite 900, OCE-101
Seattle, WA 98101
206-553-1679

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]
From: Jackson, Ryan
Sent: Wed 3/22/2017 10:04:42 PM
Subject: Message Recall Success: Daily enforcement report

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]
Cc: Schwab, Justin[schwab.justin@epa.gov]
From: Jackson, Ryan
Sent: Sun 3/12/2017 11:49:20 PM
Subject: Navistar case

Larry, could I get additional information this next week on the enforcement action against Navistar?

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Cozad, David[Cozad.David@epa.gov]
From: Starfield, Lawrence
Sent: Fri 3/10/2017 2:59:39 AM
Subject: hot issues

Ryan,

Thank you for the time today to discuss the enforcement and compliance program. As a first stab at a daily report, here are two hot items:

- On Friday, March 10, the Department of Justice (DOJ) would like to move to enter the third Volkswagen (VW) compliance agreement. This agreement was lodged with the court on January 11, 2017, and the U.S. did not receive any comments on the agreement. This Agreement requires VW to pay a \$1.45 billion civil penalty and implement various corporate measures and emissions testing to prevent future violations. This is the third of three compliance agreements to resolve allegations that VW vehicles are equipped with computer software designed to cheat on federal emissions tests.

- On Mar 10, 2017, Volkswagen AG is expected to enter a guilty plea in connection with its scheme to sell in the U.S. nearly 600,000 diesel vehicles equipped with a defeat device to cheat on required emissions tests. Sentencing is expected to take place in about two weeks. A detention hearing is scheduled for March 18 in the Eastern District of Michigan for Oliver Schmidt, General Manager in charge of VW's Environment and Engineering Office. A tentative trial date for is set for January, 2018.

Ex. 5 - Deliberative Process

Thanks.

Larry

Larry Starfield

Acting Assistant Administrator
Office of Enforcement and Compliance Assurance
(202) 564-8179 (direct)
Ex. 6 - Personal Privacy (cell)

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Starfield, Lawrence
Sent: Wed 3/1/2017 7:18:49 PM
Subject: a few minutes?

Ryan,

I know you must be swamped, but I wondered if you'd have a few minutes in the next few days for me to come by to discuss strategic direction for the enforcement and compliance programs.

Please let me know. Thanks.

Larry

Larry Starfield
Principal Deputy Assistant Administrator
Office of Enforcement and Compliance Assurance

(202) 564-2440 (office)

(202) 564-8179 (direct)

Ex. 6 - Personal Privacy (cell)

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Starfield, Lawrence
Sent: Fri 4/21/2017 3:41:03 PM
Subject: Black Flag
2017-04-11 Briefing Temp Lowes Chemsico SSURO FIFRA.DOCX

Ryan,

We had planned to brief you on the proposed stop sale orders related to a Black Flag product, but we have now been told by your scheduler that “you have the answer to your question and no longer need the briefing.” **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Thank you for your attention to this.

Larry

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From: Jackson, Ryan
Sent: 3/25/2017 5:14 PM
To: Starfield, Lawrence
Cc: Pirzadeh, Michelle; Flynn, Mike

Subject: Re: RE:

Ex. 5 - Deliberative Process

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On Mar 24, 2017, at 7:17 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

CONFIDENTIAL

Ex. 5 - Deliberative Process

Larry

Sent from my Windows Phone

From: [Jackson, Ryan](#)

Sent: 3/24/2017 7:10 PM

To: [Pirzadeh, Michelle](#); [Starfield, Lawrence](#); [Flynn, Mike](#)

Subject: FW:

All –

I came across this email this afternoon.

Ex. 5 - Deliberative Process

Thank you

Ryan.

From: DC-WJCN-3402-M@epa.gov [<mailto:DC-WJCN-3402-M@epa.gov>]
Sent: Friday, March 24, 2017 6:16 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject:

**Name of Case (Region): Chemsico, a Division of United Industries Corporation
Lowe's Home Centers, LLC
Region 10**

Overview of the Case/Action (1-2 sentences)
Issuance of two stop sale, use, and removal orders under Section 13(a) of FIFRA to prevent the further distribution and sale of the unregistered pesticide product "Black Flag Disposable Fly Trap." Chemsico is the manufacturer and Lowe's is the retailer.
Action Needed/Next Steps and Date
Ultimate action is issuance of the orders by delegated official in Region 10. Prior to signature, the orders need to be routed through management for approval. Chemsico is headquartered in Missouri (Region 7) and Lowe's is headquartered in North Carolina (Region 4). This action will prohibit the distribution and sale of the pesticide product nation-wide. Given the location of the companies and the scope of the action, Region 10 will need to consult with Regions 4 and 7 prior to issuing the orders (See Delegation 5-12). EPA Region 10 projects being able to issue these Orders by April 28, 2017.
Background and Summary of Case, Health and Env'tl Impacts
The Black Flag Disposable Fly Trap consists of a plastic bag that the user fills with water and an attractant that is added to the water and sends off an odor. Flies are attracted to the odor, get caught in the trap, and drown in the water. The attractant is comprised of the chemicals Indole and 2-piperidinone. The labeling on the packaging makes several pesticidal claims. The product is not registered with EPA as a pesticide. Indole is a naturally-occurring, aromatic substance that is responsible for the fecal odors associated with human waste. In its pure form, indole is irritating to the eyes and skin and may be fatal if swallowed or contacted by the skin. However, the concentration used in fly traps is much lower than many naturally-occurring essential oils or human feces. Currently, there are two EPA registered products with Indole concentrations around 0.2 % by weight. The Black Flag Disposable Fly Trap appears to contain between 8.0 – 10% by weight. EPA has not assessed the human and/or ecological risks of a product with this concentration of Indole. 2-Piperidinone has not been evaluated by EPA as an active or inert ingredient.
Summary of Injunctive Relief (including cost of injunctive relief, and mitigation if applicable) And Penalty Amount (including economic benefit)
None
Supplemental Environmental Project (if applicable)
None
Significant or Precedential Issues (if applicable)/ Anticipated Arguments and Defenses
<div style="border: 1px dashed black; height: 150px; width: 100%; display: flex; align-items: center; justify-content: center;"> <h1 style="margin: 0;">Ex. 5 - Deliberative Process</h1> </div>

State Position, and other Interested Parties/Stakeholders
<p>EPA's investigation of the Black Flag product began with a tip and complaint by Sterling International, a competitor of United Industries Corporation. Sterling manufactures a similar fly trap using Indole as an attractant. In 2008, OPP requested that Sterling register its fly trap as a pesticide. Sterling did so, but noticed that United Industries Corporation continued to market and sell the Black Flag product as an unregistered product.</p>
Other Issues for Consideration
<p>The Order is supported by a September 27, 2016, Region 10 inspection of a Lowe's Home Center in Seattle where the Fly Trap products were found on the shelves and purchased. Region 10 also, on September 15, 2016, purchased eight Fly Traps from the Lowe's Home Centers' webpage. Region 10 had the products analyzed to confirm the presence of Indole and 2-piperidinone.</p>

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Schwab, Justin[schwab.justin@epa.gov]; Cozad, David[Cozad.David@epa.gov]
From: Starfield, Lawrence
Sent: Tue 2/28/2017 11:38:38 PM
Subject: Chrysler/Fiat
FCA Case Briefing Paper for Administrator 02.28.2017.docx

Ryan,

I understand from Kevin Minoli that you asked for a short briefing paper on our Chrysler/Fiat action. It is attached.

Ex. 5 - Deliberative Process

Please let me know if you'd like us to set up a full briefing for you on this case.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

(202) 564-2440 (office)

(202) 564-8179 (direct)

Ex. 6 - Personal Privacy (cell)

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To: Scott Adm14Pruitt (adm14pruitt.scott@epa.gov)[adm14pruitt.scott@epa.gov]
Cc: Jackson, Ryan[jackson.ryan@epa.gov]; Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Mandy Gunasekara (Gunasekara.Mandy@epa.gov)[Gunasekara.Mandy@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Shinkman, Susan[Shinkman.Susan@epa.gov]
From: Starfield, Lawrence
Sent: Thur 4/20/2017 7:57:33 PM
Subject: Fiat-Chrysler
FCA Paper on Filing Complaint for Administrator 04.12.2017 (003).docx

Administrator,

Ex. 5 - Deliberative Process

Please let us know if you have questions or need further information.

Thank you.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

(202) 564-2440 (office)
(202) 564-8179 (direct)

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From: Starfield, Lawrence
Sent: Thur 4/20/2017 4:45:03 PM
Subject: Daily enforcement report
OECA Daily Report carry-over items 4 20 17.docx

Ryan,

Here is today's daily report from OECA. Just one "heads up" item:

-

VW – Criminal Sentencing: On April 21, Volkswagen AG (VW) will be sentenced in US District Court. The court is expected to accept the parties' plea agreement, in which VW pled guilty to three felonies and agreed to pay a \$2.8 billion penalty. This stems from the company's long-running scheme to illegally sell approximately 590,000 diesel vehicles in the U.S. by using a defeat device to cheat on emissions tests mandated by the Environmental Protection Agency (EPA) and the California Air Resources Board (CARB), and lying and obstructing justice to further the scheme. Additional criminal charges against VW executives and employees are pending.

Also attached is the list of the items awaiting clearance. Please let us know if you have questions or need further information.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

(202) 564-2440 (office)

(202) 564-8179 (direct)

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Cc: Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Mike Flynn (Flynn.Mike@epa.gov)[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; RobinH Richardson (Richardson.RobinH@epa.gov)[Richardson.RobinH@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Sydney Hupp (hupp.sydney@epa.gov)[hupp.sydney@epa.gov]
From: Starfield, Lawrence
Sent: Thur 5/25/2017 9:33:28 PM
Subject: Daily enforcement report
[OECA Daily Report carry-over items 5 25 17.docx](#)

Ryan,

Here is today's daily report from OECA, with two "heads up" items:

Criminal Sentencing in Worker Training Certification Fraud Case: Guido Cortes-Rodriguez is scheduled to be sentenced on Friday, 5/26/17 in the District of Connecticut for providing fraudulent training certifications to asbestos and lead paint abatement workers. Mr. Cortes-Rodriguez -- the training officer for "North Star Center for Human Development," a non-profit organization in Hartford, CT -- provided hundreds of untrained workers with false certifications for lead and asbestos removal training. In December 2016, he pled guilty to one count of false statements under 18 USC 1001. Ex. 7(a)

Ex. 7(a)

Wilhelmsen Ships Services (WSS): WSS is an international maritime company that imports marine cleaning and maintenance chemicals. Based on a tip, EPA inspected WSS' headquarters and found non-compliance with TSCA testing rules and orders, new chemical notice requirements, and the Chemical Data Reporting Rule (CDR). Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Also, attached are items from prior reports awaiting clearance. Let us know if you have any questions.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

(202) 564-2440 (office)
(202) 564-8179 (direct)

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Cc: Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Mike Flynn (Flynn.Mike@epa.gov)[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; RobinH Richardson (Richardson.RobinH@epa.gov)[Richardson.RobinH@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Starfield, Lawrence
Sent: Thur 4/20/2017 4:43:57 PM
Subject: Daily enforcement report

Ryan,

Here is today's daily report from OECA. Just one "heads up" item:

-

VW – Criminal Sentencing: On April 21, Volkswagen AG (VW) will be sentenced in US District Court. The court is expected to accept the parties' plea agreement, in which VW pled guilty to three felonies and agreed to pay a \$2.8 billion penalty. This stems from the company's long-running scheme to illegally sell approximately 590,000 diesel vehicles in the U.S. by using a defeat device to cheat on emissions tests mandated by the Environmental Protection Agency (EPA) and the California Air Resources Board (CARB), and lying and obstructing justice to further the scheme. Additional criminal charges against VW executives and employees are pending.

Also attached is the list of the items awaiting clearance. Please let us know if you have questions or need further information.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

(202) 564-2440 (office)
(202) 564-8179 (direct)

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To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Mike Flynn (Flynn.Mike@epa.gov)[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; RobinH Richardson (Richardson.RobinH@epa.gov)[Richardson.RobinH@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Strauss, Alexis[Strauss.Alexis@epa.gov]; Pirzadeh, Michelle[Pirzadeh.Michelle@epa.gov]
From: Starfield, Lawrence
Sent: Wed 4/19/2017 9:58:25 PM
Subject: Daily enforcement report
OECA Daily Report carry-over items 4 19 17.docx

Ryan,

Here is today's daily report from OECA (sorry it's late in the day). We wanted to give you a "heads up" on two items:

Criminal Sentencing on April 20 in RINs Fraud case - On April 20, 2017, former Gen-X CEO Scott Johnson will be sentenced in federal district court in the State of Washington for Conspiracy to Commit Wire Fraud and Conspiracy to Defraud the Government, for fraudulently generating/selling counterfeit biofuel credits. Gen-X Energy Group, Inc. was a renewable energy company formerly located in Pasco and Moses Lake, Washington. Between March 2013 and May 2014, co-conspirators laundered the proceeds of schemes to falsely claim the production of marketable renewable energy credits, and filed false claims for refunds of excise credits with the IRS. Throughout this period, much of the renewable fuel claimed to be produced at the Gen-X facilities was either not produced or re-processed multiple times. In total, over \$39 million in proceeds of the scheme were laundered and at least 60 million renewable identification numbers (RINs) were created that were based on fuel that was either never produced or was merely re-processed. Johnson pled guilty to these crimes on November 24, 2015. The sentence is likely to include restitution of illegal profits and a number of years of incarceration.

Freeport Uranium Mine Superfund Settlement, Navajo Nation – Sometime in the next week, the United States and the Navajo Nation will be filing a motion to enter a compliance agreement (/consent decree) in the next few days with two affiliated subsidiaries of Freeport-McMoRan, Inc. (Freeport), the Department of Energy, and the Department of Interior (DOE/DOI), for the cleanup of ninety-four (94) abandoned uranium mines on the Navajo Nation. Under the settlement, which covers cleanup work valued at over \$600 million, Freeport will perform the

work and DOE/DOI will contribute approximately half of the costs to the cleanup. DOE/DOI funding will come from the Judgement Fund, which are funds set aside to meet United States obligations when no existing Agency appropriations are authorized for such purpose. The settling parties also agreed to pay EPA's past costs (\$3.1 million), and Freeport will pay EPA's and the Navajo Nation's future oversight costs. Public comments on the proposed agreement were not averse to the settlement.

Also attached is the list of the items awaiting clearance. Please let us know if you have questions or need further information.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

(202) 564-2440 (office)
(202) 564-8179 (direct)

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Starfield, Lawrence
Sent: Mon 4/17/2017 4:34:13 PM
Subject: Environmental crime cases
Terminix.April 17 17.docx
April 2017 CID Cases.4 17 17.docx

Ryan,

In response to your request, I am attaching two items: a one-pager on the Terminix case (illegal use of a banned fumigant in the Virgin Islands) and a briefing paper on 12 significant on-going environmental crime cases.

We would be happy with to walk you and the Administrator through these documents, and could verbally provide additional information on each case. Please let me know if you have any questions.

Thanks.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

(202) 564-2440 (office)
(202) 564-8179 (direct)

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Starfield, Lawrence
Sent: Wed 4/12/2017 2:59:41 PM
Subject: Environmental crimes cases

Ryan,

I checked with our criminal team, and they will start pulling together a briefing paper on the Terminix pesticide case in the Virgin Islands, as well as information on a dozen significant criminal cases in the pipeline. We think we can have that for you by Tuesday or Wednesday of next week – will that work?

Larry

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Willis, Sharnett[Willis.Sharnett@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Hindin, David[Hindin.David@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Bailey, Ethel[Bailey.Ethel@epa.gov]
From: Starfield, Lawrence
Sent: Wed 4/12/2017 2:56:23 PM
Subject: RE: slides for today's meeting

No problem. We'll try to find a convenient time next week, and we'll invite the others when we do.

Larry

From: Jackson, Ryan
Sent: Wednesday, April 12, 2017 10:16 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Willis, Sharnett <Willis.Sharnett@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Subject: Re: slides for today's meeting

Larry, I had to travel unexpectedly with the Administrator today. Can we reschedule and in the meantime get info or meet with one of the guys on this email?

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On Apr 12, 2017, at 9:47 AM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

Ryan,

Here are a few slides to guide our discussion this afternoon at 1 pm. We look forward to meeting with you.

Larry

<OECA as the NPM for Compliance 4 11 2017.pptx>

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Mike Flynn (Flynn.Mike@epa.gov)[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; RobinH Richardson (Richardson.RobinH@epa.gov)[Richardson.RobinH@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Sydney Hupp (hupp.sydney@epa.gov)[hupp.sydney@epa.gov]; Cecil Rodrigues (rodrigues.cecil@epa.gov)[rodrigues.cecil@epa.gov]; Armstead, John A.[Armstead.John@epa.gov]
From: Starfield, Lawrence
Sent: Fri 5/19/2017 4:03:23 PM
Subject: Daily enforcement report
[OECA Daily Report carry-over items 5 19 17.docx](#)

Ryan,

Here is today's daily report from OECA, with two "heads up" items:

Fiat Chrysler Automobiles (FCA): DOJ, on behalf of EPA, is preparing f **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

NASA's Request for Additional Hours of Operation for its Internal Combustion Engines at Goddard Space Flight Center, Virginia [updated information]: Region 3 plans to issue a

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Also attached is the list of the items awaiting clearance. Please let us know if you have questions or need further information.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

(202) 564-2440 (office)
(202) 564-8179 (direct)

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Starfield, Lawrence
Sent: Wed 4/12/2017 1:47:44 PM
Subject: slides for today's meeting
OECA as the NPM for Compliance 4 11 2017.pptx

Ryan,

Here are a few slides to guide our discussion this afternoon at 1 pm. We look forward to meeting with you.

Larry

Role of the Compliance & Enforcement Program

OECA Discussion with Chief of Staff
April 12, 2017

OECA – Advancing the Administrator’s priorities

OECA as the national program manager for compliance assurance should play key role in advancing Administrator priorities, such as:

- *Rule of Law*
- *Cooperative Federalism*
- *Restoring Contaminated Sites to Productive Use*
- *Detecting Non-Compliance and Performing Required Inspections*
- *Attaining Air Quality Standards*
- *Building a Stronger, More Responsive EPA*

Providing Strategic Direction and Accountability

Single point of accountability to the Administrator for compliance assurance.

Administrator's direction implemented consistently across all programs and all regions.

Consistent engagement/approach with states, industry, and public

Strategic use of resources across all programs, prioritizing the most serious problems

Avoids costly duplication of running compliance programs across multiple AA'ships.

Strengthening Cooperative Federalism

Enhance joint planning and increase consultation with states on federal enforcement.

Establish clear policies on elevation and resolution of issues with between Regions + states

Enhance our nationally consistent state oversight program (developed at the request of states).

Support state programs via training, work-sharing, monitoring equipment, and national tools.

Continue OECA leadership in joint governance collaboration + program modernization with ECOS.

Help regulated entities to achieve Compliance, maintain “level playing field”

With states, increase compliance assistance and “find + fix” opportunities.

Provide consistent national policies and approaches so regulated entities know what to expect.

Promote “level playing field” so companies that comply are not disadvantaged:

- Pursue fair and consistent compliance/enforcement initiatives in sectors with high nationwide non-compliance + serious violations.

Provide cost effective “infrastructure”

Support criminal law enforcement, such as:

- providing specialized training on use of force, arrests, security;
- issuing weapons, ammunition; and
- coordinating with FBI and other federal agencies.

Operate national laboratory to perform sophisticated field monitoring and analysis.

Develop consistent multi-program policies, such as ability-to-pay and self-audit disclosure.

Create tools to identify serious violations that need government attention.

Help industry by providing compliance assistance, and reduce burden via e-reporting.

Provide training, credentials and tools for EPA and state inspectors.

Establish national measures, and collect data to assess our collective performance.

Provide Congress + others with integrated information.

Developing and managing the information systems to support these + other functions.

Summary: Plan Moving Forward

- Increase use of non-enforcement tools to help companies to comply.
- Strengthen our partnership with states.
- Improve regional consistency.
- Ensure elevation of disagreements with states.
- Use OECA expertise to develop more practical, understandable rules.
- Consider changes in organizational units to better implement this plan.

To: Lyons, Troy[lyons.troy@epa.gov]
Cc: Palich, Christian[palich.christian@epa.gov]; Shimmin, Kaitlyn[shimmin.kaitlyn@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Badalamente, Mark[Badalamente.Mark@epa.gov]; Emmerson, Caroline[Emmerson.Caroline@epa.gov]
Bcc: Starfield, Lawrence[Starfield.Lawrence@epa.gov]
From: Starfield, Lawrence
Sent: Wed 5/17/2017 10:18:32 PM
Subject: RE: Susan Bodine

Troy,

This is great news, and we are happy to help. We will start assembling the requested materials. Our primary point of contact will be Caroline Emmerson, Director of OECA's Policy & Legislative Coordination Division.

Acting DAA Mark Badalamente and I are also available to help.

Thanks.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

Sent from my Windows Phone

From: Lyons, Troy
Sent: 5/17/2017 5:59 PM
To: Starfield, Lawrence
Cc: Palich, Christian; Shimmin, Kaitlyn; Jackson, Ryan
Subject: Susan Bodine

Lawrence,

I hope this email finds you well.

As you know, Susan Bodine has been nominated by President Trump to serve as the AA for the Office of Enforcement and Compliance Assurance. OCIR will lead the Susan's confirmation process; however, we will work closely with OCEA to assist.

One of the first steps we need to do is to compile a briefing book for Susan. There will be many components and I will need your team's help in compiling information regarding OCEA; specifically:

1. Background/Mission of OCEA
2. Highlights/Hot Spots for OCEA
3. Delegations and lines of authority from regions to HQ
4. Some regional counsel report to oeca and some to OGC
5. State review framework info
6. NPM guidance
7. Enforcement priorities

I appreciate your assistance in this process and look forward to working with you.

Troy M. Lyons

Associate Administrator

Congressional & Intergovernmental Relations

U.S Environmental Protection Agency

Ex. 6 - Personal Privacy

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Sydney Hupp (hupp.sydney@epa.gov)[hupp.sydney@epa.gov]
From: Starfield, Lawrence
Sent: Tue 5/16/2017 4:06:20 PM
Subject: RE:

Will do.

From: Jackson, Ryan
Sent: Tuesday, May 16, 2017 12:02 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>
Cc: Hupp, Sydney <hupp.sydney@epa.gov>
Subject:

Will you gentlemen ensure that Sydney Hupp is cc'd on your daily OECA reports and monthly OGC reports?

Thank you.

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Mike Flynn (Flynn.Mike@epa.gov)[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; RobinH Richardson (Richardson.RobinH@epa.gov)[Richardson.RobinH@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]
From: Starfield, Lawrence
Sent: Fri 5/12/2017 8:07:26 PM
Subject: Daily enforcement report
OECA Daily Report carry-over items 5 12 17.docx

Ryan,

Here is today's daily report from OECA, with two "heads up" items:

Fiat Chrysler Automobiles (FCA): DOJ, on behalf of EPA, is preparing { **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

GAO Inquiry re: Proposed *Harley Davidson* Compliance Agreement: In November 2016, GAO received a congressional request for a legal opinion regarding a mitigation project that is included in the Consent Decree signed by the US and Harley Davidson. On May 9, 2017, as part of its review, GAO sent DOJ and EPA a list of questions about the mitigation project. The GAO letter has been provided to Byron Brown, Justin Schwab, and Mandy Gunasekara. OECA and OGC are working with DOJ to provide the response, which is due on June 12, 2017.

Also attached is the list of the items awaiting clearance. Please let us know if you have questions or need further information.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

(202) 564-2440 (office)
(202) 564-8179 (direct)

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Cc: Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Mike Flynn (Flynn.Mike@epa.gov)[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; RobinH Richardson (Richardson.RobinH@epa.gov)[Richardson.RobinH@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]
From: Starfield, Lawrence
Sent: Thur 5/11/2017 4:51:38 PM
Subject: Daily enforcement report
OECA Daily Report carry-over items 5 11 17.docx

Ryan,

Here is today's daily report from OECA, with two "heads up" items:

-

Alon, USA, LP – Alon operates a refinery in Big Springs, Texas where multiple violations of the Clean Air Act have resulted in illegal emissions of SO₂, NO_x, PM, and VOCs. Next week, DOJ plans to lodge in federal district court in Texas a compliance agreement that resolves those violations. The company has agreed to implement updated pollution controls and improved management practices, pay a \$456,250 penalty, and perform a Supplemental Environmental Project to reduce NO_x emissions from heaters at the refinery. The compliance agreement will result in significant emission reductions and is important from a level playing field perspective. The State of Texas was invited to join as a co-plaintiff in this matter, but without objection declined to do so. We provided Byron Brown and Mandy Gunasekara a briefing paper on this matter on May 1.

Company to Plead Guilty in Fatal 2012 Gulf of Mexico Oil Drilling Platform Explosion – In November 2012, an explosion and fire occurred on an oil production platform killing three employees and injuring several others. The explosion also caused the release of approximately 500 barrels of crude oil into the Gulf of Mexico. On May 12, 2017, Black Elk Energy (BEE) is set plead guilty in the Eastern District of Louisiana to violating eight felony counts of the Outer Continental Shelf Lands Act (OCSLA) and one count of violating the Clean Water Act. BEE will pay a criminal fine of \$4.2 million. In an earlier plea in the same case, contractor Wood Group PSN admitted that its employees were negligent in the way they authorized hot work on the platform and pled guilty to violating the Clean Water Act and False Statements. Wood Group PSN was ordered to pay a \$9.5 million criminal fine. Other defendants remain pending trial.

Also attached is the list of the items awaiting clearance. Please let us know if you have questions or need further information.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

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(202) 564-8179 (direct)

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To: Jackson, Ryan[jackson.ryan@epa.gov]; Dunham, Sarah[Dunham.Sarah@epa.gov];
Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]
From: Starfield, Lawrence
Sent: Wed 5/10/2017 8:22:40 PM
Subject: RE:

Will do. We'll coordinate with OTAQ and get back to you soon.

Larry

-----Original Message-----

From: Jackson, Ryan
Sent: Wednesday, May 10, 2017 4:13 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>;
Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Subject:

Ex. 5 - Deliberative Process

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]
From: Starfield, Lawrence
Sent: Fri 5/5/2017 4:16:28 PM
Subject: National Enforcement Initiatives
OECA National Enforcement Initiatives Overview & List 5 5 17.docx

Ryan,

During our overview briefing for the Administrator, we suggested a briefing on the current National Enforcement Initiatives (NEIs), to give you both more background on that work and to seek your views on any changes in emphasis or direction. We were asked first to provide a briefing paper – it is attached.

If you would like further detail on some or all of the NEIs, please let me know. We would also welcome the opportunity to meet with you and the Administrator to discuss these topics more fully.

Thank you.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

(202) 564-2440 (office)
(202) 564-8179 (direct)

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]
From: Starfield, Lawrence
Sent: Fri 5/5/2017 4:14:29 PM
Subject: National Enforcement Initiatives - one comment
OECA National Enforcement Initiatives Overview & List 5 5 17.docx

Ryan,

During our overview briefing for the Administrator, we suggested a briefing on the current National Enforcement Initiatives (NEIs), to give you both more background on that work and to seek your views on any changes in emphasis or direction. We were asked first to provide a briefing paper – it is attached.

If you would like further detail on some or all of the NEIs, please let me know. We would also welcome the opportunity to meet with you and the Administrator to discuss these topics more fully.

Thank you.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

(202) 564-2440 (office)
(202) 564-8179 (direct)

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Starfield, Lawrence
Sent: Wed 5/3/2017 9:16:26 PM
Subject: History of the compliance/enforcement office
Organizational History of Enforcement and Compliance at EPA Headquarters (May 3 2017).docx

Ryan,

When we last met, you asked me about the compliance and enforcement program's structure and location over the Agency's 47-year history. The following is a summary response to your specific questions:

1. **Centralized office:** Since EPA's inception in 1970, there has always been a centralized legal enforcement and compliance office.
2. **Assistant Administrator:** The centralized legal enforcement and compliance office has always been headed by an Assistant Administrator (~45 years) or Associate Administrator (~2 years).
3. **Legal and technical personnel:** Although split for a few years, for most of EPA's history (1970-1981; since 1994), legal and technical/programmatic enforcement and compliance personnel have been in the same centralized office to avoid duplication, high transaction costs, and provide a single voice on enforcement and compliance.^[i]
4. **Relationship to OGC:** In EPA's early years, enforcement and general counsel functions were in one office (1970-1975; 1981-1983); they were separated for several years in the mid-1970s and have been permanently separated since 1983 to reflect "the very distinct types of legal activities General Counsel and Enforcement perform."^[ii]

I'm attaching a detailed chronology and flow chart for your further information. Please let me know if you have questions, or would like further information.

Thank you.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance
(202) 564-2440 (office)
(202) 564-8179 (direct)

[ii] Environmental Protection Agency – Recommendations and Actions, EPA11: Reorganize EPA’s Office of Enforcement; U.S. EPA, Environmental News, EPA Administrator Reorganizes Agency’s Enforcement Operations; U.S. EPA, Transition ’89 – Major National Issues;

[iii] History and Organization – Office of General Counsel, 1986.

Organizational History of Enforcement and Compliance at EPA Headquarters

Timeline of Enforcement and Compliance at EPA Headquarters

1970

Establishment of the EPA

- President Nixon consolidates certain executive branch functions into a central Environmental Protection Agency. The President's plan states that one of the principal roles and functions of the EPA is "[t]he establishment and enforcement of environmental protection standards consistent with national environmental goals."¹

Office of Standards and Enforcement and General Counsel

- Administrator Ruckelshaus designates three Assistant Administrators, including an Assistant Administrator for Standards and Enforcement and General Counsel.²
- The Assistant Administrator for Standards and Enforcement and General Counsel serves "as principal adviser to the Administrator in regard to the establishment and enforcement of standards for environmental quality and [is] the principal legal adviser and chief law officer of the Agency."³

1971

Office of Enforcement and General Counsel

- EPA's first permanent organizational structure is announced, including an Office of Enforcement and General Counsel. The Office of Enforcement and General Counsel is headed by an Assistant Administrator.⁴
- Standards setting is moved to the categorical programs.⁵

1975

Office of Enforcement

- Administrator Train splits the general counsel and enforcement functions.⁶ The Office of Enforcement is headed by an Assistant Administrator and includes an Office of General Enforcement, Office of Water Enforcement, Office of Mobile Source and Noise Enforcement, and a National Enforcement Investigation Center (based in Denver).
- The Assistant Administrator for Enforcement is "responsible for the conduct of enforcement activities on an Agencywide basis."⁷
- The Office of Enforcement undertakes permit issuance, inspections, and enforcement.⁸

1981

Office of Legal and Enforcement Counsel

- Administrator Gorsuch initiates a restructuring in 1981 with the intended purpose of achieving a "more efficient use of Agency legal resources and skills, consistent development and application of enforcement policy, and overall a strengthened enforcement program,"⁹ which is fully implemented by 1982. EPA's enforcement office is absorbed into the newly formed Office of Legal and Enforcement Counsel (OLEC).¹⁰
- OLEC is headed by an Associate Administrator, which is filled by the General Counsel. OLEC includes an Office of General Counsel led by the General Counsel and an Office of Enforcement Counsel led by an Enforcement Counsel.¹¹
- OLEC takes "technically completed casework to the hearing and/or litigation phase."¹²

- The Office of Enforcement Counsel includes Enforcement Counsel for Air Civil Litigation, Enforcement Counsel for Pesticides/Toxics Civil Litigation, Enforcement Counsel for Water Civil Litigation, Enforcement Counsel for Waste Civil Litigation, Criminal Investigation Staff, Policy Staff, and the National Enforcement Investigation Center (based in Denver).¹³

Program Offices

- Technical (non-legal) and programmatic enforcement personnel are transferred to the Office of Water (Office of Water Enforcement and Permits), Office of Solid Waste and Emergency Response (Office of Waste Programs Enforcement), and Office of Air, Noise, and Radiation.¹⁴ The program offices issue permits, conduct inspections, and determine technical violations.¹⁵

1983

Office of Enforcement and Compliance Monitoring

- After the prior reorganization does not have the intended effect, Administrator Ruckelshaus returns to the EPA to “rebuild the credibility of the agency.”¹⁶
- EPA reorganizes again, creating a centralized Office of Enforcement and Compliance Monitoring (OECM) headed by an Assistant Administrator.¹⁷ Administrator Ruckelshaus splits the general counsel’s office from the enforcement counsel’s office to clarify “the distinct types of legal activities they perform.”¹⁸
- Administrator Ruckelshaus designates the OECM Assistant Administrator as the National Enforcement Program Manager.¹⁹
- OECM “with increased responsibility as Agency spokesperson/ombudsman for enforcement”²⁰ includes an Air Enforcement Division, Waste Enforcement Division, Pesticides and Toxic Substances Enforcement Division, Water Enforcement Division, Criminal Enforcement Division, Office of Enforcement Policy, and the National Enforcement Investigation Center (based in Denver).²¹
- In 1984, the Office of Compliance Analysis and Program Operations is established within OECM.²²
- In 1986, the Criminal Enforcement office is moved within OECM to report directly to the OECM Assistant Administrator.²³

Program Offices

- Most technical and programmatic enforcement personnel continue to be located in the Office of Water, Office of Solid Waste and Emergency Response, Office of Air and Radiation, and Office of Pesticides and Toxic Substances.

1990

Office of Enforcement

- In 1990, OECM reorganizes and changes its name to Office of Enforcement (OE) in order to “signal a definitive break with the past and herald a new beginning for our efforts,”²⁴ and is headed by an Assistant Administrator.²⁵
- In addition to the previously existing Office of Compliance Analysis and Program Operations, Office of Civil Enforcement (with enforcement divisions for Pesticides & Toxic Substances, Air, Water, RCRA), Office of Criminal Enforcement Counsel, and National Enforcement Investigations Center (based in Denver), the Office of Federal Facilities Enforcement and Office of Federal Activities are added to OE’s structure (as well as a Superfund Enforcement Division under the Office of Civil Enforcement).²⁶
- OE is responsible for supporting civil judicial enforcement litigation, drafting enforcement policies, assisting in regulation development, and supporting the enforcement activity of regional media

offices.²⁷

- OE Assistant Administrator Strock also proposes consolidating all the enforcement and compliance personnel from across the program offices. However, Administrator Reilly elects not to pursue the consolidation due to concerns about disruption of enforcement productivity.²⁸

Program Offices

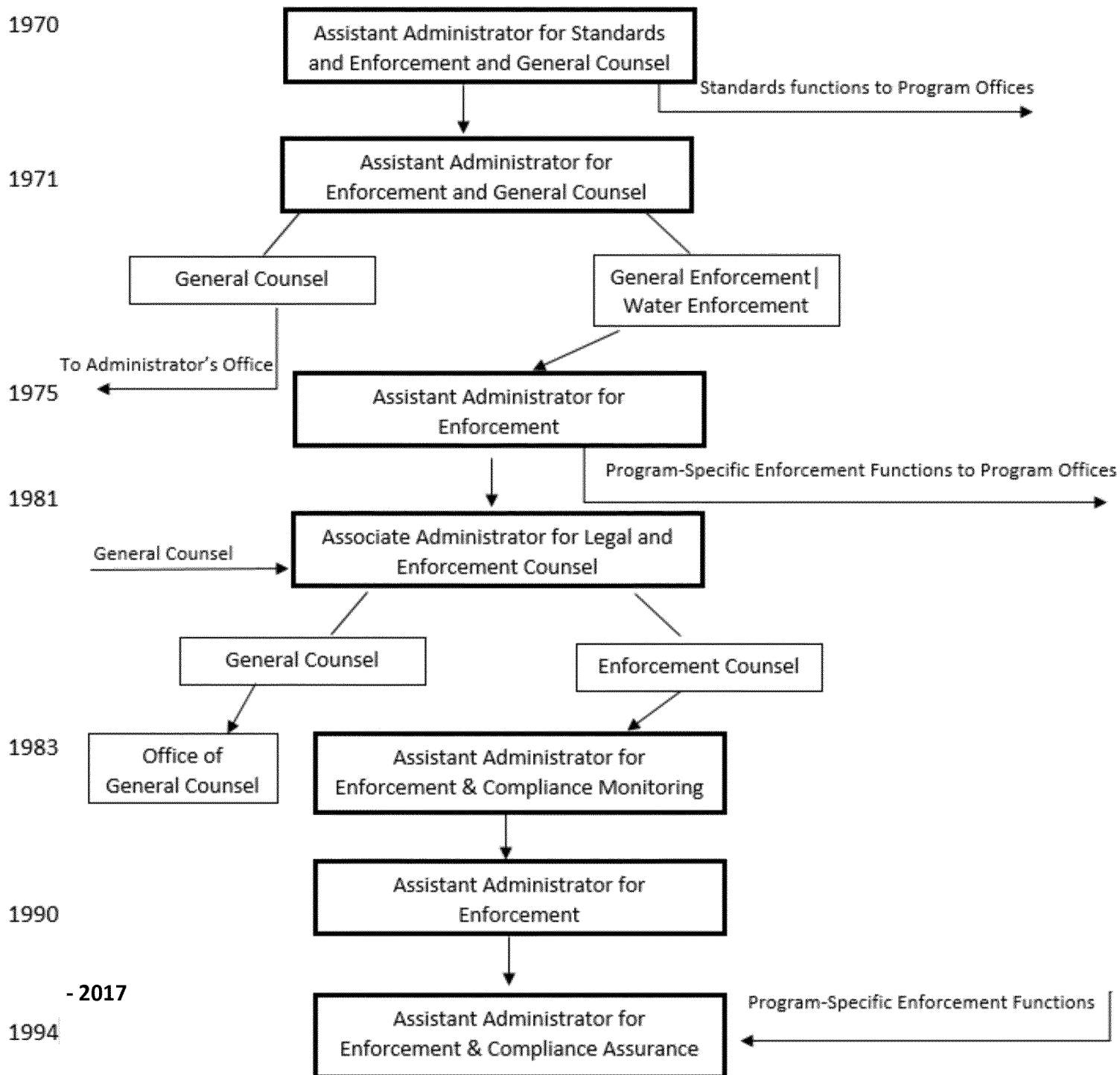
- Most technical and programmatic enforcement personnel continue to be located in the Office of Water, Office of Solid Waste and Emergency Response, Office of Air and Radiation, and Office of Pesticides and Toxics Substances.

1994

Office of Enforcement and Compliance Assurance

- In 1993, Administrator Browner initiates a reorganization to unify technical and programmatic enforcement and compliance personnel with legal enforcement personnel in one Office of Enforcement and Compliance Assurance (OECA) headed by an Assistant Administrator.²⁹
- This reorganization returns the agency to a consolidated enforcement office model to meet a number of objectives, including increasing efficiency and reducing “duplication of effort;” providing “a unified voice for enforcement policy;” and promoting “better communication between EPA Headquarters, Regional Offices, and State agencies.”³⁰
- The reorganization restores a “single voice” on enforcement priorities.³¹
- OECA “serves as the principal adviser to the Administrator in matters concerning enforcement and compliance” and reviews the actions of the Assistant and Regional Administrators to ensure a “consistent enforcement and compliance monitoring program.”³²
- OECA currently has nine offices, including an Immediate Office, Office of Compliance, Office of Civil Enforcement, Office of Criminal Enforcement, Forensics and Training, Office of Site Remediation Enforcement, Office of Environmental Justice, Office of Federal Activities, Federal Facilities Enforcement, and Office of Administration and Policy.³³

Timeline of Enforcement and Compliance at EPA Headquarters



¹ Reorganization Plan No. 3, July 9, 1970, <https://archive.epa.gov/epa/aboutepa/reorganization-plan-no-3-1970.html>.

² U.S. EPA, Transition – Office Profiles, 1993.

³ EPA Order 1110.2 -- Initial Organization of the EPA, Dec. 4, 1970.

⁴ U.S. EPA, Transition – Office Profiles, 1993.

⁵ *Id.*

⁶ Denis Williams, A Historical Perspective of Enforcement Reorganization, File.

⁷ 40 C.F.R. § 1.31 (1977).

⁸ EPA's Civil Enforcement Structure, Dec. 18, 1992.

⁹ Memorandum from Anne M. Gorsuch, Administrator, to Associate Administrators et al., Headquarters Enforcement Organization, Dec. 2, 1981.

¹⁰ EPA Region VIII, Denver, CO and AFGE and AFGE Local 3607 -- 1984 FLRAdec RP.

¹¹ Headquarters and Regional Organization Charts, Autumn 1982.

¹² U.S. EPA, Transition – Office Profiles, 1993.

¹³ Memorandum from Anne Gorsuch, Administrator, to All EPA Employees, Agency Reorganization, June 12, 1981.

¹⁴ Fact Sheet, 1993.

¹⁵ History and Organization – Office of General Counsel, 1986.

¹⁶ Denis Williams, A Historical Perspective of Enforcement Reorganization, File.

¹⁷ Factsheet, 1993.

¹⁸ Memorandum from Howard M. Messner, Assistant Administrator for Administration, to The Administrator, Streamlining EPA's Management Structure – Action Memorandum, Sept. 6, 1983.

¹⁹ Denis Williams, A Historical Perspective of Enforcement Reorganization, File.

²⁰ Factsheet, 1993.

²¹ U.S. EPA, Organization Charts and Listing of Principal Officials, Sept. 1984.

²² Memorandum from Gary M. Katz, Dir., Management & Organization Div., to Howard M. Messner, Assistant Administrator for Administration and Resources, Jan. 20, 1984.

²³ Memorandum from Thomas L. Adams, Jr., Assistant Administrator for Enforcement and Compliance Monitoring, to Assistant Administrators et al., Organization Changes, Oct. 20, 1986.

²⁴ Memorandum from James M. Strock, Assistant Administrator, to Charles L. Grizzle, Assistant Administrator, Proposed Reorganization of the Office of Enforcement and Compliance, Jan. 26, 1990.

²⁵ Memorandum from James M. Strock, Assistant Administrator, to All Employees, Office of Enforcement, April 18, 1980.

²⁶ U.S. EPA, Who's Who in EPA, Organization Charts and Listing of Principal Officers, Oct. 1990.

²⁷ EPA's Civil Enforcement Structure, Dec. 18, 1992.

²⁸ Inside E.P.A. Weekly Report, July 9, 1993.

²⁹ U.S. EPA, Integrated Enforcement Approaches for EPA, Executive Summary of the EPA Enforcement Reorganization Task Force, Sept. 1, 1993.

³⁰ EPA, Administrator's Update, July 29, 1993.

³¹ Environmental Protection Agency – Recommendations and Actions, EPA11: Reorganize EPA's Office of Enforcement.

³² 40 C.F.R. §1.35.

³³ U.S. EPA, Office of Enforcement and Compliance Assurance, Organizational Chart, 2017.

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Mike Flynn (Flynn.Mike@epa.gov)[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; RobinH Richardson (Richardson.RobinH@epa.gov)[Richardson.RobinH@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Mugdan, Walter[Mugdan.Walter@epa.gov]
From: Starfield, Lawrence
Sent: Wed 5/3/2017 4:43:31 PM
Subject: Daily enforcement report
OECA Daily Report carry-over items 5 3 17.docx

Ryan,

Here is today's daily report from OECA, with one "heads up." (Note that I did not include Byron as an addressee since he is recused on this matter.)

-

Proposed Order - Gowanus Canal Superfund Site: The Gowanus Canal in Brooklyn, NY is a National Priorities List site that is one of the nation's most contaminated water bodies due to a legacy of 150 years of industrial discharges. Region 2 intends to issue an order next week to

Ex. 5 - Deliberative Process

Also attached is the list of the items awaiting clearance. Please let us know if you have questions or need further information.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

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To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Mike Flynn (Flynn.Mike@epa.gov)[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; RobinH Richardson (Richardson.RobinH@epa.gov)[Richardson.RobinH@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]
From: Starfield, Lawrence
Sent: Tue 5/2/2017 10:09:43 PM
Subject: Daily enforcement report
OECA Daily Report carry-over items 5 2 17.docx

Ryan,

Here is today's daily report from OECA, with addressees added as requested. Just one "heads up":

-

Criminal Clean Water Act plea: On May 3, a Mississippi gas station operator is scheduled to plead guilty to federal criminal charges that he violated the Clean Water Act by discharging the contents of an underground storage tank into a sewage line connected to the Yazoo City, Mississippi wastewater treatment system. Vapors from the release entered residences, businesses and a school. EPA initiated the investigation based on information provided by the Mississippi Department of Environmental Quality (MDEQ) (which does not have staff devoted to environmental crimes), and worked with the MDEQ, Yazoo City Public Works, the Yazoo City School Board, the Yazoo City Fire Department and the Center for Toxicology and Environmental Health (an MDEQ Contractor) to develop the case. The U.S. Attorney's Office for the Southern District of Mississippi plans to issue a press release, with a quote from DOJ's Acting Assistant Attorney General Jeff Wood.

Also attached is the list of the items awaiting clearance. Please let us know if you have questions or need further information.

Larry

Larry Starfield

Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

(202) 564-2440 (office)
(202) 564-8179 (direct)

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Starfield, Lawrence
Sent: Mon 5/1/2017 1:16:57 AM
Subject: RE:

Will do.

Sent from my Windows Phone

From: Jackson, Ryan
Sent: 4/30/2017 6:35 PM
To: Minoli, Kevin; Starfield, Lawrence; Schwab, Justin; Fotouhi, David; Brown, Byron; Dravis, Samantha
Subject:

Until we get further staff and those staff organized in the program offices, I would like all on this list to receive the daily OECA reports and the periodic report of matters from OGC. Thanks.

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Mike Flynn (Flynn.Mike@epa.gov)[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; RobinH Richardson (Richardson.RobinH@epa.gov)[Richardson.RobinH@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Starfield, Lawrence
Sent: Tue 4/25/2017 3:16:14 PM
Subject: Daily enforcement report
OECA Daily Report carry-over items 4 24 17.docx

Ryan,

Here is today's daily report from OECA, with a "heads up" on two items:

-

Vopak Settlement - Vopak owns a terminal on the Houston Ship Channel in Deer Park, Texas whose excess emissions of VOCs and hazardous air pollutants (HAPs) contribute to the area's ozone nonattainment. These emissions were the result of failures to comply with the terms of their Waste Water Treatment permit as well as failure to obtain a Title V Air permit and other violations of the Texas SIP. The State of Texas and EPA are prepared as co-plaintiffs to enter into a settlement agreement with Vopak, under which the company has agreed to control at least 90 percent of the VOCs in its wastewater treatment, take steps to control emissions from its flares, implement an inspection and repair program for the tank terminal, and pay a \$2.5 million penalty (to be split evenly between EPA and Texas). The State of Texas and EPA expect to lodge the proposed agreement with the court by May 4, 2017.

Volkswagen - Pursuant to the first partial settlement with VW (as approved October 2016), VW is required to perform a recall on its 2009 – 2015 2.0 liter diesel vehicles. Each owner must be offered a "buyback." Additionally, the settlement provides VW with the opportunity to demonstrate whether the company can perform an "Emissions Modification" on the vehicles. If VW can propose technical modifications to the vehicles that satisfy various criteria laid out in the settlement, then each owner may choose whether to get the buyback or the Emissions Modification. On Friday April 21, 2017, VW notified EPA of its intent to withdraw its proposed Emissions Modification for a subset of the vehicles, which are approximately 7,200 model year 2012-2013 Passats with a manual transmission. In short, VW could not improve their emissions controls adequately to meet the agreed-upon technical criteria. VW is expected to formally withdraw its proposed Emissions Modification this week. The settlement already provides for this situation. The bought-back vehicles will be scrapped, with no option for resale

or export (except as parts, but that is unlikely to happen in any substantial quantity). Within 2 days of the formal withdrawal, VW must notify affected vehicle owners that there will be no Emissions Modification option for their vehicles. While EPA has no obligations under the settlement arising from this withdrawal, we will continue to keep EPA's public affairs office informed and ready to handle inquiries.

Also attached is the list of the items awaiting clearance. Please let us know if you have questions or need further information.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

(202) 564-2440 (office)
(202) 564-8179 (direct)

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Starfield, Lawrence
Sent: Fri 4/21/2017 7:00:57 PM
Subject: RE: Black Flag

Ex. 5 - Deliberative Process

Would you like us to set up a briefing for you, or should we brief Byron instead?

Larry

From: Jackson, Ryan
Sent: Friday, April 21, 2017 2:03 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: Re: Black Flag

Ex. 5 - Deliberative Process

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On Apr 21, 2017, at 11:41 AM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

Ryan,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thank you for your attention to this.

Larry

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From: Jackson, Ryan
Sent: 3/25/2017 5:14 PM
To: Starfield, Lawrence
Cc: Pirzadeh, Michelle; Flynn, Mike
Subject: Re: RE:

Ex. 5 - Deliberative Process

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On Mar 24, 2017, at 7:17 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

CONFIDENTIAL

Ex. 5 - Deliberative Process

Larry

Sent from my Windows Phone

From: [Jackson, Ryan](#)

Sent: 3/24/2017 7:10 PM

To: [Pirzadeh, Michelle](#); [Starfield, Lawrence](#); [Flynn, Mike](#)

Subject: FW:

All –

I came across this email this afternoon.

Ex. 5 - Deliberative Process

Thank you

Ryan.

From: DC-WJCN-3402-M@epa.gov [mailto:DC-WJCN-3402-M@epa.gov]
Sent: Friday, March 24, 2017 6:16 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject:

<2017-04-11 Briefing Temp Lowes Chemsico SSURO FIFRA.DOCX>

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Mike Flynn (Flynn.Mike@epa.gov)[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Thomas, Deb[thomas.debrah@epa.gov]; Deb Szaro (Szaro.Deb@epa.gov)[Szaro.Deb@epa.gov]
From: Starfield, Lawrence
Sent: Tue 4/11/2017 5:27:02 PM
Subject: Daily Enforcement Report
[OECA Daily Report carry-over items 4 11 17.docx](#)

Ryan,

We have one case filing deadline to flag today:

XTO Energy, Inc – XTO owns a number of gas production facilities on the Fort Berthold Indian Reservation in North Dakota where illegal venting of VOC emissions has occurred. EPA has been in settlement discussions with the company to resolve the violations, **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

I wanted to give you a heads up on two items:

Fiat-Chrysler - FCA engaged in a long-running, intentional effort, to circumvent the test procedures used to determine whether cars meet the legally mandated emission standards for criteria pollutants and to actively hide from EPA the manner in which the evasion was accomplished. We have referred the matter to DOJ **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Cutler Naval Air Station (Cutler, Maine) – Region 1 is ready to sign and finalize a consent agreement with the Navy to resolve Clean Air Act violations for illegal carbon monoxide air emissions from five diesel generators at the Cutler Naval Air Station that did not have proper emission controls. Under the agreement, the Navy has agreed to install and operate the appropriate controls and pay a civil penalty of \$811,000.

Also attached is a list of the items awaiting clearance. Please let us know if you have questions or need further information.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

(202) 564-2440 (office)
(202) 564-8179 (direct)

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To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Mike Flynn (Flynn.Mike@epa.gov)[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Cozad, David[Cozad.David@epa.gov]
From: Starfield, Lawrence
Sent: Mon 4/10/2017 4:55:02 PM
Subject: Daily Enforcement Report
[OECA Daily Report carry-over items 4 10 17.docx](#)

Ryan,

I wanted to give you a heads up on one Item:

U.S. v. CITGO – In this oil spill enforcement case pending in the 5th Circuit, the government's final reply brief on penalty issues is due on April 14, 2017. CITGO caused one of the largest and most serious oil spills in the U.S. at its Lake Charles, LA refinery in 2006. After a trial in which the U.S. and Louisiana prevailed on their claims for injunctive relief, the court ordered a penalty of \$6 million, finding no gross negligence. On appeal to the 5th Circuit, the case was remanded for further consideration of the degree of negligence and the penalty. The district court on remand found gross negligence, found the economic benefit to CITGO was \$94 million, but ordered a penalty of \$81 million. After CITGO appealed, the US filed a cross appeal on the basis that the court had not explained why the penalty should be less than the economic benefit to the company. The U.S.'s final reply brief will be filed on April 14, 2017. Byron Brown and Justin Schwab were provided a draft of the U.S. brief on April 5, 2017.

Also attached is a list of the items awaiting clearance. Please let us know if you have questions or need further information.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

(202) 564-2440 (office)
(202) 564-8179 (direct)

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Cc: Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Mike Flynn (Flynn.Mike@epa.gov)[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Cozad, David[Cozad.David@epa.gov]
From: Starfield, Lawrence
Sent: Thur 4/6/2017 4:16:09 PM
Subject: Daily Enforcement Report
[OECA Daily Report carry-over items 4 6 17.docx](#)

Ryan,

I wanted to give you a heads up on one new Item:

VW: In accordance with the settlement entered by the U.S. District Court on October 25, 2017, Volkswagen has submitted its zero emission vehicle investment plan. The Settlement requires that the initial Investment Plan describe how Volkswagen intends to spend at least \$300 million on zero emission vehicle infrastructure and public awareness activities over the initial 24-month period of a ten-year investment obligation. While the Settlement establishes certain requirements for the investments (e.g. charging infrastructure must accommodate the two currently existing non-proprietary connectors) the settlement explicitly provides that VW is “solely responsible for every aspect of selecting” the type, timing and location of charging infrastructure to be installed. EPA’s role in review of this plan is limited to verifying that the plan complies with the requirements of the settlement. After comparison of the proposed investment plan to the requirements of the settlement, the Air Enforcement Division (AED), in consultation with the Office of Transportation Air Quality (OTAQ) have determined that the proposed plan meets the requirements of the Settlement. As is the normal course of business on settlement deliverable approvals, AED is preparing to issue the formal EPA approval of the Investment Plan during the week of as soon April 10, 2017.

Also, a reminder that our comments are due today on a NEPA item from the April 4 daily report:

Atlantic Coast Pipeline Project: EPA comments on a draft Environmental Impact Statement prepared by FERC for the Atlantic Coast Pipeline and Supply Header Project are due today, April 6. This natural gas pipeline project includes 640 miles of pipeline in WV, PA, VA, and NC as well as a number of new compressor stations, and is one of the largest natural gas pipeline projects in the region. Potential environmental impacts include aquatic resource impact and

potential impact to groundwater and drinking water if failure occurs associated with karst topography and rugged landscape. The project is a Fast 41 project. It is also highly publicized and our letter will likely receive media attention. OECA and Regions 3 and 4 briefed Byron Brown on this matter on 4/3.

Also attached is a list of all items awaiting clearance. Please let us know if you have questions or need further information.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

(202) 564-2440 (office)
(202) 564-8179 (direct)

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Cc: Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Mike Flynn (Flynn.Mike@epa.gov)[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Cozad, David[Cozad.David@epa.gov]
From: Starfield, Lawrence
Sent: Mon 4/3/2017 2:50:03 PM
Subject: Daily Enforcement Report
[OECA Daily Report carry-over items 4 3 17.docx](#)

Ryan,

We have no new case filings to flag today. However, there are two items (below) on which decisions are needed this week:

US v. Luminant – In 2013, the United States filed a complaint in federal district court in Texas against Luminant, operator of two power plants that were the nation’s fourth and sixth largest emitters of SO₂, for violations of NSR/PSD requirements under the Clean Air Act (CAA).

Luminant made major modifications to two of its plants, resulting in significant increases of NO_x and SO₂ emissions, without first obtaining a required permit and without installing and operating with the necessary pollution control equipment. The district court dismissed several of the penalty claims as time-barred, and also dismissed claims for injunctive relief finding that the “concurrent remedy doctrine” bars equitable relief where legal claims are time-barred, and that the CAA does not provide relief for past violations of the NSR program. In February 2017, the US filed a protective notice of appeal, and DOJ Appellate is prepared to move forward with an appeal

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Manke Lumber Co. – Manke Lumber operates a large wood production facility that has long-running and serious violations of the Clean Water Act. Illegal pollution from the facility is discharged to the Hylebos Waterway, which is a former Superfund cleanup site that is connected to Puget Sound. The Hylebos waterway is critical habitat for the threatened Chinook Salmon.

The Washington State Dept. of Ecology referred this matter to EPA for enforcement. However, on February 8, 2017 the Region received a Notice of Intent to Sue (NOI) from the Puget Soundkeeper Alliance. Under the citizen suit provisions of the CWA, that group may file a complaint any time after April 8, 2017. In order for the U.S. to be in a position to obtain the appropriate injunctive relief under the CWA, the U.S. needs to file a complaint by April 7, 2017, and then engage with the company in settlement negotiations.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

-

Also attached is a list of all items awaiting clearance. Please let us know if you have questions or need further information.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

(202) 564-2440 (office)
(202) 564-8179 (direct)

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From: Starfield, Lawrence
Sent: Thur 3/30/2017 1:35:22 PM
Subject: Daily Enforcement Report
[OECA Daily Report carry-over items 3 30 17.docx](#)

Ryan,

We have one new matter to flag for you today:

Des Moines TCE Site, Iowa: United States' trial against Dico Inc. and its parent company Titan Tire in federal district court begins on April 3, 2017 regarding CERCLA liability for buildings contaminated with PCBs which were sold and removed in violation of an EPA Order. The DICO Site is a former steel wheel manufacturing facility located on the edge of downtown Des Moines and consists of a TCE groundwater plume and PCB and pesticide contaminated soil and buildings.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Following the Supreme Court's Burlington Northern decision, intent to dispose in arranger liability cases is an issue of national significance. In the litigation the U.S. will seek a determination that the parties are jointly and severally liable for the U.S.'s response costs (approximately \$5.4M), a declaratory judgment as to future response costs, and punitive damages for violating the EPA order.

In addition, below are several items that need a decision in the coming days. More detail on these cases is provided in the attached list of items awaiting clearance.

Manke Lumber Co. – Manke Lumber operates a large wood production facility that has long-running and serious violations of the Clean Water Act. Illegal pollution from the facility is discharged to the Hylebos Waterway, which is a former Superfund cleanup site that is connected to Puget Sound. The Hylebos waterway is critical habitat for the threatened Chinook Salmon. The Washington State Dept. of Ecology referred this matter to EPA for enforcement. However, on February 8, 2017 the Region received a Notice of Intent to Sue (NOI) from the Puget Soundkeeper Alliance. Under the citizen suit provisions of the CWA, that group may file a complaint any time after April 8, 2017. In order for the U.S. to be in a position to obtain the appropriate injunctive relief under the CWA, the U.S. needs to file a complaint by April 7, 2017, and then engage with the company in settlement negotiations.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

U.S. v Sunoco Pipeline, LP – Sunoco violated the Clean Water Act (CWA) when it discharged

1,950 barrels of gasoline from a pipeline in Ohio, contaminating and killing fish in the White Ditch and causing a week-long evacuation of 70 people due to high concentrations of gasoline-related vapors. On March 28, 2017, DOJ intends to lodge a compliance agreement (CD) in federal district court in which Sunoco has agreed to pay a \$990,000 penalty for these violations (N. Dist., Ohio).

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Toa Alta Municipal Solid Waste Landfill in Puerto Rico – the liner and leachate controls have been abandoned and damaged, and large volumes of uncontrolled contaminated leachate and storm water are being released, and the landfill is located over an important drinking water aquifer. Region 2 believes they need to issue a unilateral RCRA “imminent and substantial endangerment” order requiring urgent improvements to operations at the landfill, repair of the leachate control system, and the permanent cessation of waste receipt at the landfill. OECA and Region 2 briefed Justin Schwab on this matter on February 15, 2017. **Region 2 and OECA request a decision as soon as possible.**

If you need any additional information, let us know.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance
(202) 564-8179 (direct)

Ex. 6 - Personal Privacy (cell)

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To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Mike Flynn (Flynn.Mike@epa.gov)[Flynn.Mike@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bennett, Elizabeth[bennett.elizabeth@epa.gov]
From: Starfield, Lawrence
Sent: Wed 3/29/2017 6:58:43 PM
Subject: RE: Daily Enforcement Report

Based on a discussion with Bryon Brown, we will submit future daily enforcement reports in the morning, rather than at COB. We hope that will be more convenient.

Our next daily will be tomorrow morning by 10 am.

Thanks.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

(202) 564-2440 (office)
(202) 564-8179 (direct)

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Mike Flynn (Flynn.Mike@epa.gov)[Flynn.Mike@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bennett, Elizabeth[bennett.elizabeth@epa.gov]
From: Starfield, Lawrence
Sent: Tue 3/28/2017 10:26:02 PM
Subject: Daily Enforcement Report
OECA Daily Report carry-over items 3 28 17.docx

Ryan,

We have no new case filings to flag today. However, there are several items (below) that need a decision in the coming days. More detail on these cases is provided in the attached list of items awaiting clearance.

Manke Lumber Co. – Manke Lumber operates a large wood production facility that has long-running and serious violations of the Clean Water Act. Illegal pollution from the facility is discharged to the Hylebos Waterway, which is a former Superfund cleanup site that is connected to Puget Sound. The Hylebos waterway is critical habitat for the threatened Chinook Salmon. The Washington State Dept. of Ecology referred this matter to EPA for enforcement. However, on February 8, 2017 the Region received a Notice of Intent to Sue (NOI) from the Puget Soundkeeper Alliance. Under the citizen suit provisions of the CWA, that group may file a complaint any time after April 8, 2017. In order for the U.S. to be in a position to obtain the appropriate injunctive relief under the CWA, the U.S. needs to file a complaint by April 7, 2017, and then engage with the company in settlement negotiations.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

U.S. and State of California v. HVI Cat Canyon (“Greka”) – This is a case under the Oil Pollution Act/Clean Water Act seeking to recover \$2.5M in costs the U.S. incurred in responding to repeated oil spills at defendant’s facility, to obtain injunctive relief to prevent future spills, and to impose penalties. The U.S. has filed a motion for partial summary judgment and, by March 30, 2017, must file our reply brief responding to the issues raised by defendant, including arguments related to whether the waters at issue are jurisdictional waters.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

U.S. v Sunoco Pipeline, LP – Sunoco violated the Clean Water Act (CWA) when it discharged 1,950 barrels of gasoline from a pipeline in Ohio, contaminating and killing fish in the White Ditch and causing a week-long evacuation of 70 people due to high concentrations of gasoline-related vapors. On March 28, 2017, DOJ intends to lodge a compliance agreement (CD) in federal district court in which Sunoco has agreed to pay a \$990,000 penalty for these violations

(N. Dist., Ohio).

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Toa Alta Municipal Solid Waste Landfill in Puerto Rico – the liner and leachate controls have been abandoned and damaged, and large volumes of uncontrolled contaminated leachate and storm water are being released, and the landfill is located over an important drinking water aquifer. Region 2 believes they need to issue a unilateral RCRA “imminent and substantial endangerment” order requiring urgent improvements to operations at the landfill, repair of the leachate control system, and the permanent cessation of waste receipt at the landfill. OECA and Region 2 briefed Justin Schwab on this matter on February 15, 2017. **Region 2 and OECA request a decision as soon as possible.**

If you need any additional information, let us know.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance
(202) 564-8179 (direct)

Ex. 6 - Personal Privacy (cell)

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To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Mike Flynn (Flynn.Mike@epa.gov)[Flynn.Mike@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bennett, Elizabeth[bennett.elizabeth@epa.gov]
From: Starfield, Lawrence
Sent: Mon 3/27/2017 10:53:19 PM
Subject: Daily Enforcement Report
OECA Daily Report carry-over items 3 27 17.docx

Ryan,

We have one additional case filing to flag today:

U.S. and State of California v. HVI Cat Canyon (“Greka”) – This is a case under the Oil Pollution Act/Clean Water Act seeking to recover \$2.5M in costs the U.S. incurred in responding to repeated oil spills at defendant’s facility, to obtain injunctive relief to prevent future spills, and to impose penalties. The U.S. has filed a motion for partial summary judgment and, by March 30, 2017, must file our reply brief responding to the issues raised by defendant, including arguments related to whether the waters at issue are jurisdictional waters. DOJ has shared its draft brief with EPA and **needs any comments no later than Wednesday, March 29.**

In addition, there are two items (below) that need a decision in the coming days. More detail on these cases is provided in the attached list of items awaiting clearance.

U.S. v Sunoco Pipeline, LP – Sunoco violated the Clean Water Act (CWA) when it discharged 1,950 barrels of gasoline from a pipeline in Ohio, contaminating and killing fish in the White Ditch and causing a week-long evacuation of 70 people due to high concentrations of gasoline-related vapors. On March 28, 2017, DOJ intends to lodge a compliance agreement (CD) in federal district court in which Sunoco has agreed to pay a \$990,000 penalty for these violations (N. Dist., Ohio).

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Toa Alta Municipal Solid Waste Landfill in Puerto Rico – the liner and leachate controls have been abandoned and damaged, and large volumes of uncontrolled contaminated leachate and storm water are being released, and the landfill is located over an important drinking water aquifer. Region 2 believes they need to issue a unilateral RCRA “imminent and substantial endangerment” order requiring urgent improvements to operations at the landfill, repair of the leachate control system, and the permanent cessation of waste receipt at the landfill. OECA and Region 2 briefed Justin Schwab on this matter on February 15, 2017. **Region 2 and OECA request a decision as soon as possible.**

If you need any additional information, let us know.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance
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To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Pirzadeh, Michelle[Pirzadeh.Michelle@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]
From: Starfield, Lawrence
Sent: Sun 3/26/2017 2:11:05 AM
Subject: RE: RE:

Will do.

Sent from my Windows Phone

From: Jackson, Ryan
Sent: 3/25/2017 5:14 PM
To: Starfield, Lawrence
Cc: Pirzadeh, Michelle; Flynn, Mike
Subject: Re: RE:

Ex. 5 - Deliberative Process

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

On Mar 24, 2017, at 7:17 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

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Ex. 5 - Deliberative Process

Larry

Sent from my Windows Phone

From: Jackson, Ryan
Sent: 3/24/2017 7:10 PM
To: Pirzadeh, Michelle; Starfield, Lawrence; Flynn, Mike
Subject: FW:

All –

I came across this email this afternoon.

Ex. 5 - Deliberative Process

Thank you

Ryan.

From: DC-WJCN-3402-M@epa.gov [mailto:DC-WJCN-3402-M@epa.gov]

Sent: Friday, March 24, 2017 6:16 AM

To: Jackson, Ryan <jackson.ryan@epa.gov>

Subject:

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Mike Flynn (Flynn.Mike@epa.gov)[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]; Hupp, Sydney[hupp.sydney@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]
From: Starfield, Lawrence
Sent: Fri 3/24/2017 10:21:35 PM
Subject: EPA enforcement in States
OECA Civil Enforcement in States - 3 24 17.docx

Ryan,

When I met with you a couple of weeks ago, I mentioned the reasons for federal enforcement actions in States, including the fact that the majority of our actions – over 70% – are taken in situations where there is no authorized State program. Other federal enforcement actions are taken where requested by the State, where the violations are in multiple states, etc. You indicated that this would be important information to share with the Administrator, and we understand that we are in the queue to brief him soon on the “Federal role in bringing enforcement actions in States.”

In advance of that briefing, I thought it might be useful to share an issue paper that we developed. Please let me know if you have any questions.

Thanks.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance
(202) 564-8179 (direct)

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To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Mike Flynn (Flynn.Mike@epa.gov)[Flynn.Mike@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]
From: Starfield, Lawrence
Sent: Fri 3/24/2017 10:08:03 PM
Subject: Daily Enforcement Report
OECA Daily Report carry-over items 3 24 17.docx

Ryan,

We do not have any additional case filings to flag today. However, there are several items (set out below) that need a decision in the coming days. More detail is provided on the attached list of items awaiting clearance.

If you need any additional information, let us know.

Larry

U.S. and State of Colorado vs. Colorado Springs – The U.S. and the State of Colorado are co-plaintiffs in a case in federal district court against Colorado Springs over long-running and serious violations of the City’s MS4 permit that have caused severe erosion damage. The State intends to file a motion for preliminary injunction and has asked for an affidavit from an EPA inspector to support its motion.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

-

US v. Luminant – Seeking a decision on the Agency’s position as to whether to continue to pursue an appeal of an adverse district court opinion in a case against Luminant for violation of NSR/PSD requirements under the Clean Air Act (CAA) at two coal fired power plants. **DOJ originally asked to hear the Agency’s position by 3/24/17, and needs to hear from us soon after that.**

U.S. v Sunoco Pipeline, LP – Sunoco violated the Clean Water Act (CWA) when it discharged 1,950 barrels of gasoline from a pipeline in Ohio, contaminating and killing fish in the White Ditch and causing a week-long evacuation of 70 people due to high concentrations of gasoline-related vapors. On March 28, 2017, DOJ intends to lodge a compliance agreement (CD) in federal district court in which Sunoco has agreed to pay a \$990,000 penalty for these violations (N. Dist., Ohio).

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Toa Alta Municipal Solid Waste Landfill in Puerto Rico – the liner and leachate controls have been abandoned and damaged, and large volumes of uncontrolled contaminated leachate and storm water are being released, and the landfill is located over an important drinking water aquifer. Region 2 is **seeking clearance by Monday, if possible**, to issue a unilateral RCRA “imminent and substantial endangerment” order requiring urgent improvements to operations at the landfill, repair of the leachate control system, and the permanent cessation of waste receipt at the landfill. OECA and Region 2 briefed Justin Schwab on this matter on February 15, 2017.

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance
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To: Jackson, Ryan[jackson.ryan@epa.gov]; Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]; Mike Flynn (Flynn.Mike@epa.gov)[Flynn.Mike@epa.gov]
Cc: Coleman, Sam[Coleman.Sam@epa.gov]; Threet, Derek[Threet.Derek@epa.gov]; Miles, Erin[Miles.Erin@epa.gov]; Cari Shiffman (Shiffman.Cari@epa.gov)[Shiffman.Cari@epa.gov]; Shinkman, Susan[Shinkman.Susan@epa.gov]; Seager, Cheryl[Seager.Cheryl@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]
From: Starfield, Lawrence
Sent: Fri 3/24/2017 10:06:14 PM
Subject: Briefing Paper for meeting with Houston Mayor
City of Houston Briefing Paper (3-24-17).docx

Ryan (and others),

We understand that the Administrator will be meeting with the Mayor of Houston, TX on Tuesday, and Sam Coleman and I thought it would be useful to provide him with a short briefing paper (attached). EPA, the State of Texas, and the City have been working for several years on a compliance agreement to address sanitary sewer overflow issues in Houston, and the Mayor is likely to raise some related issues.

Ex. 5 - Deliberative Process

Please let Sam or me know if you need any further information.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance
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To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Mike Flynn (Flynn.Mike@epa.gov)[Flynn.Mike@epa.gov]
From: Starfield, Lawrence
Sent: Thur 3/23/2017 10:53:55 PM
Subject: Daily Enforcement Report
OECA Daily Report carry-over items 3 23 17.docx

Ryan,

Here is today's daily enforcement report. Also attached are items from previous days' reports that still require clearance. Please let us know if you need further information on any items.

Larry

New Items Needing Clearance:

U.S. v Sunoco Pipeline, LP – Sunoco violated the Clean Water Act (CWA) when it discharged 1,950 barrels of gasoline from a pipeline in Ohio, contaminating and killing fish in the White Ditch and causing a week-long evacuation of 70 people due to high concentrations of gasoline-related vapors. On March 28, 2017, DOJ intends to lodge a compliance agreement (CD) in federal district court in which Sunoco has agreed to pay a \$990,000 penalty for these violations (N. Dist., Ohio). The oil spill provisions of the CWA are not delegated to the states.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Manke Lumber Co. – Manke Lumber operates a large wood production facility that has long-running and serious violations of the Clean Water Act from multiple areas of its operation. Illegal pollution from the facility is discharged to the Hylebos Waterway, which is a former Superfund cleanup site that is connected to Puget Sound. The Hylebos waterway is critical habitat for the threatened Chinook Salmon. The Washington State Dept. of Ecology, after repeated attempts to bring Manke Lumber Co. into compliance with the CWA, referred this matter to EPA for enforcement. In April 2016, Region 10 referred the case to DOJ, which was prepared to begin settlement negotiations. However, on February 8, 2017 the Region received a Notice of Intent to Sue (NOI) from the Puget Soundkeeper Alliance. Under the citizen suit

provisions of the CWA, that group may file a complaint any time after April 8, 2017. In order for the U.S. to be in a position to obtain the appropriate injunctive relief under the CWA, DOJ intends to file a complaint no later than April 7, 2017, and then engage with the company in settlement negotiations.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance
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To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Mike Flynn (Flynn.Mike@epa.gov)[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Cozad, David[Cozad.David@epa.gov]
From: Starfield, Lawrence
Sent: Wed 3/22/2017 10:05:01 PM
Subject: Daily enforcement report
OECA Daily Report carry-over items 3 22 17.docx

Ryan,

We do not have any additional case filings to flag today. However, there are several items (set out below) that need a decision in the coming days. More detail is provided on the attached list of items awaiting clearance.

If you need any additional information, let us know.

Larry

United States v. VW

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Maxus Energy Bankruptcy –

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

U.S. and State of Colorado vs. Colorado Springs –

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

US v. Luminant –

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Larry Starfield
Principal Deputy Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. EPA
Washington, DC

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To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Mike Flynn (Flynn.Mike@epa.gov)[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Cozad, David[Cozad.David@epa.gov]
From: Starfield, Lawrence
Sent: Wed 3/22/2017 10:01:52 PM
Subject: Daily enforcement report
OECA Daily Report carry-over items 3 22 17.docx

Jared,

We do not have any additional case filings to flag today. However, there are several items (set out below) that need a decision in the coming days. More detail is provided on the attached list of items awaiting clearance.

If you need any additional information, let us know.

Larry

United States v. VW –

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Maxus Energy Bankruptcy –

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

U.S. and State of Colorado vs. Colorado Springs –

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

US v. Luminant –

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Larry Starfield
Principal Deputy Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. EPA
Washington, DC

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To: Scott Adm14Pruitt (adm14pruitt.scott@epa.gov)[adm14pruitt.scott@epa.gov]
Cc: Jackson, Ryan[jackson.ryan@epa.gov]; Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Robert Tomiak (tomiaak.robert@epa.gov)[tomiaak.robert@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Miles, Erin[Miles.Erin@epa.gov]; Knight, Kelly[knight.kelly@epa.gov]
From: Starfield, Lawrence
Sent: Wed 3/22/2017 2:41:21 PM
Subject: Expediting Infrastructure Projects
Expediting infrastructure project reviews 3 22 17.pdf

Administrator Pruitt,

On March 2nd, we briefed you on our work in the Office of Enforcement and Compliance Assurance, including our work in reviewing the environmental impacts of infrastructure projects. We explained that we were developing a concept whereby EPA [Ex. 5 - Deliberative Process]

Ex. 5 - Deliberative Process

Please let us know if you have additional questions or would like to have a more detailed discussion.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance
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To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Mike Flynn (Flynn.Mike@epa.gov)[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Thomas, Deb[thomas.debrah@epa.gov]
From: Starfield, Lawrence
Sent: Tue 3/21/2017 9:42:36 PM
Subject: Daily enforcement report
OECA Daily Report carry-over items 3 21 17.docx

Ryan,

Here is today's daily enforcement report. Attached are items from previous days' reports that still require clearance. Please let us know if you need further information on any items.

Larry

Items Needing Decisions:

United States v. S.H. Bell – S.H. Bell processes and stores manganese, a material whose air emissions cause or contribute to long term negative health effects, including impaired motor skills and reduced cognitive functions. After monitoring and investigation showed that the company was a primary source of such emissions in Ohio and Pennsylvania, the company agreed to monitor and control its emissions in a compliance agreement (CD) that was lodged in federal court on January 18, 2017. The agreement is based on the “imminent and substantial endangerment” provisions in the CAA and CERCLA. The public comment period on that agreement has closed. Comments have been received from two citizens requesting that the company be shut down until it reduces its emissions, and from representatives of the manganese industry disputing the health effects finding. DOJ has prepared a response to comments and request that the compliance agreement be entered, referring to health studies by the CDC's Agency of Toxic Substance and Disease Registry of the adverse health effects due to manganese exposure in the surrounding community. The states of OH and PA and the respective mayors have been kept informed and have not expressed any objections or concerns. The court has ordered the U.S. to either file a motion to enter the agreement or withdraw it by March 30, 2017.

Ex. 5 - Deliberative Process

U.S. and State of Colorado vs. Colorado Springs – The U.S. and the State of Colorado are co-

Ex. 5 - Deliberative Process

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance
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To: Jackson, Ryan[jackson.ryan@epa.gov]; Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]
Cc: Cozad, David[Cozad.David@epa.gov]; Shinkman, Susan[Shinkman.Susan@epa.gov]; Brooks, Phillip[Brooks.Phillip@epa.gov]
From: Starfield, Lawrence
Sent: Tue 3/21/2017 9:34:11 PM
Subject: FW: Volkswagen - motion to enter
ENV ENFORCEMENT-#2650191-v1-VW - 3L MTE - 03-21 with BSG Edits.DOCX
Letter of Support for Electrify America.pdf

Ryan and Byron,

This is a request related to yesterday's Daily Enforcement Report item on DOJ's draft motion to enter the second of three partial settlements in the Volkswagen defeat device case. Justin Schwab and Jeff Wood are recused, so we are bringing this directly to you.

Decision needed:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Background: This second settlement resolves allegations that Volkswagen equipped approximately 80,000 three-liter light-duty diesel vehicles with defeat devices. This agreement includes a multi-faceted recall for vehicles (including buyback for some and technical fixes). The settlement also secures \$225 million in additional funding for the Mitigation Trust established under the first partial settlement (already approved by the Court), which provides money directly to states, DC, Puerto Rico, and tribes to fund clean air projects of their choice. The comment period has closed on the settlement.

We will provide you with our recommendation on the response to comment by COB tomorrow. Thank you.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance
(202) 564-8179 (direct)

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From: Gelber, Bruce (ENRD) [mailto:Bruce.Gelber@usdoj.gov]
Sent: Tuesday, March 21, 2017 3:16 PM
To: Bachman, Bryson (OASG) <Bryson.Bachman2@usdoj.gov>; Middleton, Brandon (ENRD) <Brandon.Middleton@usdoj.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Engel, Bethany (ENRD) <Bethany.Engel@usdoj.gov>; Mariani, Tom (ENRD) <Tom.Mariani@usdoj.gov>; karen.dworkin@usdoj.gov; Nigel Cooney <nigel.cooney@usdoj.gov>
Subject: Volkswagen - motion to enter

Bryson, Brandon, Kevin, Larry:

Attached for your review is a draft brief in support of our motion to enter the Second Partial Consent Decree (aka 3.0 Liter Vehicle CD) in the *Volkswagen* defeat device case. Also attached is a late-filed comment from 16 companies in the electric vehicle charging industry, which comments favorably on the ZEV investment portion of the First Partial Consent Decree (aka 2.0 Liter Vehicle CD) that was entered last October and supports having VW administer the program without any additional government oversight other than that provided under that decree.

Our response to the several comments we received regarding the ZEV investment component of the 2.0 Liter Vehicle Decree are found on pages 18-20 of the attached brief. In order to be assured that our motion for entry of the Second Partial Consent Decree will be heard at the same

time as the hearing on the related Class Action consumer settlement, we need to file our motion by this Friday. I therefore would appreciate receiving any comments on the brief by cob Thursday, March 23. Please provide a copy of any comments to Nigel Cooney, Beth Engel, and Karen Dworkin, as well as me.

As you know, both Jeff and Justin are recused from this matter.

Let me know if you have any questions. Thanks.

Bruce

Bruce S. Gelber

Deputy Assistant Attorney General

Environment and Natural Resources Division
U.S. Department of Justice

950 Pennsylvania Avenue, N.W., Room 2609

Washington, D.C. 20530-0001

Phone: (202) 514-4624

Facsimile: (202) 514-0557

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Assistant Attorney General,
United States Department of Justice
Environmental and Natural Resources Division
Washington, DC
By Email: pubcomment-ees.enrd@usdoj.gov

Comment in Regards to: Volkswagen Clean Diesel Marketing, Sales and Products Liability
Litigation, Case Number: MDL #2672 CRB (JSC) and D.J. Ref #90-5-2-1-11386

This letter is written to voice support for the settlement reached in regards to the Zero Emissions Vehicle (“ZEV”) Investment Commitment included as Appendix C in the 2.0 Liter Consent Decree, as well as voice support for the similar ZEV investment strategy settlement that was granted preliminary approval in the 3.0 Liter settlement. As stated in Appendix C, the goal is to, “support increased use of zero emission vehicle (“ZEV”) technology in the United States, including, but not limited to, the development, construction, and maintenance of zero emission vehicle-related infrastructure.” The committed amount of \$2 billion to be invested by Volkswagen as a result of this settlement will be a critical and indisputable first step for allowing the United States to achieve this goal. Additionally, we feel that the program must be administered by Volkswagen in order to achieve maximum efficiency from the settlement funds.

Our response in support of the Consent Decree and proposed 3.0 Liter settlement also refutes certain stakeholder comments regarding the utilization and implementation of the \$2 billion commitment to achieve this goal. The key criteria in assessing the best use of the settlement funds are the intended outcomes. Specifically, the best outcomes should focus on achieving improvements for current EV drivers and future EV drivers, as well as, raising

awareness among the general public. Of little concern in weighing the benefits of this investment strategy should be the lack of desire that some, currently dominant, providers in the industry may have to seeing new competition. These providers use the term 'rational economic decisions' as being best suited for their objections to the current approach, and they believe this goal would be better achieved through additional government mandates and control, steered by other nonprofits and businesses. That appears to be a contradiction in terms, as these providers, who have no economic incentive to maximize efficiency, and instead use governmental controls to divert work to interest holders who are not focused on effectuating the primary purpose of the Consent Decree – building a nationwide charging infrastructure network to promote ZEVs.

The plan set forth in the Consent Decree already provides for reasonable government oversight thru CARB and the EPA. Additionally, the types of chargers, vehicle compatibility, charger location and overhead fees are all tightly controlled in the Consent Decree and third party oversight is required. These measures provide completely adequate safeguards, while giving decision making authority to the entity who is the ultimate source of funds, Volkswagen. As such, Volkswagen will make the 'rational economic decision' ensuring the most effective and efficient outcome in rolling out the development, construction and maintenance of a neutral ZEV infrastructure system throughout the United States. Our arguments in favor of the Consent Decree herein are only bolstered by this approach.

Recent statistics show that less than 1% of the vehicles on the road in the US today are electric vehicles. Surveys also suggest that less than 20% of the population of the US have even a basic awareness of the existence of the variety of electric vehicles currently sold and/or have

knowledge of the currently installed electric vehicle charging infrastructure. One of the keys to putting more electric vehicles on the road is to raise consumer awareness and the current settlement plan will do just that. Although, awareness alone may not be enough to create large numbers of new electric vehicle drivers. There are two other major consumer needs that must be met, namely confidence and convenience.

Confidence in the charging network is gained by having well maintained systems that remain in service and ready for all who need them. A risk to the long-term viability of the infrastructure is that there may be a significant time lapse between the capital investment and the resulting increase in the electric vehicle penetration to the overall auto market. This gap could create cash flow and other operational problems for independent operators. Having Volkswagen, or a subsidiary of Volkswagen, manage the newly installed chargers ensures that the network will remain viable and well maintained while demand grows. This industry has a history of some major problems with networks remaining viable and having Volkswagen invest the settlement funds in the manner described in Appendix C would ensure that this network of chargers continues to operate for the next decade and beyond.

Convenience is provided by having well located charging stations, that are brand neutral and will be available to all consumers regardless of the type of electric vehicle that they drive (excluding proprietary vehicles) and, of critical importance, these new systems will allow consumers to pay for charging on a per use basis without requiring any membership in a private network, specially installed software or spending time on the phone providing credit card info. These systems will be available for all with the simple swipe of a credit card. This interoperability is crucial for driver convenience and satisfaction and is required by Appendix C.

Admittedly, this plan may not be viewed favorably by some of the current dominant players in market, but the reason for this is that they are worried about losing their dominant position. Volkswagen's investment will serve as a catalyst to legitimize the marketplace and begin to teach consumers that they can count on having charging stations available for their use. In turn, this will lead to the sale of more electric vehicles and create a bigger marketplace for electric vehicle charging services. This additive effect from Volkswagen's investment will spur others to seek to invest in the electric vehicle charging market as it begins to grow out of infancy and the total size of the market grows. While some existing players may see their market dominance shrink, overall revenue for all electric vehicle charging providers will continue to increase as more drivers convert to electric vehicles.

We, the undersigned, want to ensure that there is not simply one voice claiming to represent the entire existing electric vehicle marketplace. Attempts by other interest holders, through additional and unnecessary government oversight, only seek to manipulate the process under the guise of benevolent government control, dictated by other private interests. Their actions are 'rent-seeking' in causing an inefficient diversion of critical funds in a way that will not produce efficient market outcomes nor a cohesive and effective implementation of a brand neutral EV charging network. We strongly believe that the payor of the settlement proceeds, Volkswagen, is the best party to ensure that the \$2 billion of expenditures will successfully promote the ZEV goals set forth in the Consent Decree. Appendix C has been well vetted, well argued, well compromised and not only should there be no revisiting of this document, but it should be duplicated in principle for the 3.0liter settlement.

Respectfully and sincerely submitted by:

Company Name	Name	Title
BTCPower	Carlos Cortes	Vice President – Engineering
BTCPower	Frank Meza	CEO
FMi – CSG (Charger Service Group)	David Silberfarb	Vice President - Operations
APEX Express	Jay Squires	CEO
EV-Institute	Matt Wade	CEO
Servitek Electric	Geoff Reyes	President
UGO Stations	David Soens	Vice President
VSA Proud	Tony Amato	President
Advance Vehicle Mfg	Larry Brennan	President
Global Source Energy	Fred Sotelo	COO
GoSpace	Roc Henderson	President
Bench Mark	Bob Bench	President
Power Flex Systems	George Lee	President
Lindsay Consulting	Joe Lindsay	President
Bates Electric	Steve King	Operations
Vantiv	Chad Griggs	National Business Mgr
Power Hawk Electric	Michael Balinskas	Vice President

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Mike Flynn (Flynn.Mike@epa.gov)[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]
From: Starfield, Lawrence
Sent: Mon 3/20/2017 11:00:34 PM
Subject: Daily enforcement report
OECA Daily Report carry-over items 3 18 17.docx

Ryan,

Here is today's daily enforcement report. Attached are items from previous days' reports that still require clearance. Please let us know if you need further information on any items.

Larry

New Items for clearance:

United States v. VW – By the end of this week, DOJ intends to file a motion seeking court approval of the second of three partial settlements with VW. This second settlement resolves allegations that Volkswagen equipped approximately 80,000 three-liter light-duty diesel vehicles with defeat devices. This agreement includes a multi-faceted recall for vehicles (including buyback for some and technical fixes). The settlement also secures \$225 million in additional funding for the Mitigation Trust established under the first partial settlement (already approved by the Court), which provides money directly to states, DC, Puerto Rico, and tribes to fund clean air projects of their choice. The comment period has closed on the settlement, and DOJ has received comments from some owners who are not satisfied with the buyback provisions that were negotiated with the FTC and the class action representatives, and some comments about the zero-emission vehicle (ZEV) provisions in the first partial settlement. (Note: There are no ZEV provisions in this second settlement.) DOJ intends to file a Motion to Enter the settlement on March 24, 2017. Enforcement of the mobile source provisions of the CAA is not delegated to the states.

Maxus Energy Bankruptcy – Maxus is a Potentially Responsible Party at the Diamond Alkali Superfund Site in New Jersey, which includes a 17-mile stretch of the Passaic River and portions of Newark Bay contaminated by dioxin, PCBs, mercury, DDT and other contaminants. Maxus is going through Chapter 11 bankruptcy, and the United States has large claims in the bankruptcy in light of expected future cleanup costs of over \$1 billion. Maxus is seeking bankruptcy court approval of a \$130 million settlement that Maxus negotiated with its parent company YPF, SA (a corporation controlled by the Argentine government), to resolve claims that the parent company

had improperly stripped its subsidiary of funds and controlled its decision making. The United States and other PRPs at the Site believe that Maxus' proposal falls far short of what the parent company's liability should be. Another large PRP at the Site, OCC Occidental Chemical Corporation, who also has very large claims against Maxus and has been cooperating with the government on the cleanup, is seeking United States' support for an alternative bankruptcy plan to be filed on or about March 27. Under this alternative plan, Occidental would be assigned and pursue the parent liability claims against Maxus' South American parent company, which we believe is likely to result in a larger bankruptcy estate with substantially greater funds available for cleanup at the Site. Occidental has made EPA aware of a November 2016 request from Argentina to the Commerce Department seeking reinstatement of "unilateral trade preference" for Argentina, which Occidental opposes in a March 2, 2017 letter to the Commerce Department highlighting the actions of YPF, SA to strip Maxus of funds and abandon environmental liabilities in the U.S. [REDACTED]

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Larry Starfield
Principal Deputy Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. EPA
Washington, DC

(202) 564-2440 (office)
(202) 564-8179 (direct)
[REDACTED] cell)

Ex. 6 - Personal Privacy

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To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]
From: Starfield, Lawrence
Sent: Mon 3/20/2017 10:26:49 PM
Subject: Outside request for a meeting with the Administrator

Ryan,

At Senior Staff today, Anne Heard in Region 4 mentioned the request for a meeting with the Administrator concerning the former Mississippi Phosphates Company (MPC) site. I wanted to get your preference on how and when we plan for such a meeting.

Background:

MPC was a fertilizer production facility in Mississippi that used phosphoric acid and generated large stacks of gypsum as well as acidic wastewater.

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Ex. 5 - Deliberative Process

At the Senior Staff meeting today, the Administrator expressed support for a meeting, but it was unclear if he wanted to be part of a meeting at this time.

Options:

Ex. 5 - Deliberative Process

Recommendation:

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Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thank you.

Larry

Larry Starfield

Acting Assistant Administrator

Office of Enforcement and Compliance Assurance

(202) 564-8179

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To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Mike Flynn (Flynn.Mike@epa.gov)[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Cozad, David[Cozad.David@epa.gov]
From: Starfield, Lawrence
Sent: Fri 3/17/2017 10:44:04 PM
Subject: Daily enforcement report
[OECA Daily Report carry-over items 3 17 17.docx](#)

Ryan,

Here is today's daily enforcement report. Attached are items from previous days' reports that still require clearance. Please let us know if you need further information on any items.

Larry

-

-

New Item Needing Clearance:

The Toa Alta Municipal Solid Waste Landfill in Puerto Rico is posing significant risks to public health and the environment. The liner and leachate controls have been abandoned and damaged, and large volumes of uncontrolled contaminated leachate and storm water are being released. The landfill, which is already filled to capacity, is located over an important drinking water aquifer and is in close proximity to residences. During the week of March 20, Region 2 plans to issue a unilateral administrative order under RCRA §7003 (an "imminent and substantial endangerment" provision) to the municipality and several companies that presently or formerly operated the landfill, requiring: certain urgent improvements to operations at the landfill; the prompt evaluation and repair, if possible, of the leachate control system; the permanent cessation of waste receipt at the landfill by a specified date, followed by the application of an intermediate cover; and steps to minimize the landfill serving as a breeding ground for mosquitoes carrying the Zika virus (a significant health threat on the island). No penalty is being sought.

Region 2 has previously taken enforcement actions to abate threats at twelve other landfills in Puerto Rico. The Puerto Rico environmental agency supports EPA's issuance of the order, as it has very limited resources and does not have the ability to take this enforcement action itself.

OECA and Region 2 briefed Justin Schwab on this matter on February 15, 2017. This is a time-sensitive matter, given the overflows from the landfill. If possible, we'd request a response by early next week.

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance
(202) 564-8179 (direct)

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To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Mike Flynn (Flynn.Mike@epa.gov)[Flynn.Mike@epa.gov]
From: Starfield, Lawrence
Sent: Thur 3/16/2017 10:18:09 PM
Subject: Daily enforcement report
OECA Daily Report carry-over items 3 16 17.docx

Ryan,

Here is today's daily enforcement report. Attached are items from previous days' reports that still require clearance. Please let us know if you need further information on any items.

Larry

New Items needing clearance:

-

Westward Seafoods - Westward Seafoods operates a seafood processing facility in Dutch Harbor, Alaska that violated the Clean Air Act by operating for two years without using required air pollution controls, resulting in illegal emissions of 105 tons of NOx. The company has a history of serious noncompliance and was the subject of a prior EPA enforcement action. EPA and the State of Alaska, as co-plaintiffs, have negotiated a compliance agreement to resolve the current violations. The agreement requires Westward to correct the violations, install a new monitoring system, and retain an independent third party to verify its compliance. Westward will also implement two energy efficiency environmental mitigation projects at its facility, to offset the illegal NOx emissions, and pay a \$1.3M penalty. DOJ plans to lodge the agreement in federal district court during the week of March 20. We briefed Justin on this case in February, and will review the case with him early next week.

Detroit Energy – This is an update to yesterday's report on this NSR power plant enforcement action pending in the 6th Circuit (details are included in the attachment). In 2016, the 6th Circuit issued a decision that is favorable for EPA.

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Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance
(202) 564-8179 (direct)

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To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Mike Flynn (Flynn.Mike@epa.gov)[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Cozad, David[Cozad.David@epa.gov]
From: Starfield, Lawrence
Sent: Wed 3/15/2017 9:31:25 PM
Subject: Daily enforcement report
OECA Daily Report carry-over items.docx

Ryan,

Here is today's daily enforcement report. In addition, I'm attaching items from previous days' reports that still require clearance. Please let us know if you need further information on any items.

New Items needing clearance:

-

US v. Luminant – In 2013, the United States filed a complaint in federal district court in Texas against Luminant, operator of two power plants that were the nation's fourth and sixth largest emitters of SO₂, for violations of NSR/PSD requirements under the Clean Air Act (CAA). Luminant made major modifications to two of its plants, resulting in significant increases of NO_x and SO₂ emissions, without first obtaining a required permit and without installing and operating with the necessary pollution control equipment. The district court dismissed several of the penalty claims as time-barred, and also dismissed claims for injunctive relief finding that the "concurrent remedy doctrine" bars equitable relief where legal claims are time-barred, and that the CAA does not provide relief for past violations of the NSR program. In February 2017, the US filed a protective notice of appeal, and DOJ Appellate is prepared to move forward with an appeal

Ex. 5 - Deliberative Process

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US v. Detroit Edison – In 2010, the United States filed a complaint against Detroit Edison (DTE)

for violations of the Clean Air Act's NSR/PSD requirements, when it performed a \$65 million renovation project at the Monroe Power Plant in Detroit, Michigan without first obtaining the necessary permit and installing SO₂ and NO_x best available control technology (BACT), resulting in ~100,000 tons of excess emissions. In 2011, the district court granted summary judgment for DTE and the US appealed that decision. On appeal, the Sixth Circuit reversed and remanded the case back to the district court (*DTE I*). On remand, the district court again granted DTE summary judgment. On the second appeal by the US, the Sixth Circuit reversed and remanded in a plurality opinion (*DTE II*), finding that EPA may bring an enforcement action based on a challenge to the company's pre-construction emissions projections. On February 24, 2017, DTE filed a petition for rehearing and rehearing en banc. The US response is due on April 3, and DOJ has asked for EPA's position on the petition by March 17, 2017. EPA has

Ex. 5 - Deliberative Process

Informational Item:

Peabody Bankruptcy - Peabody, a mining company going through Chapter 11 bankruptcy, is a responsible party at a number of Superfund sites in the Midwest due to its historic mining operations. On March 16, when the Peabody bankruptcy debtors present their proposed Chapter 11 plan of reorganization to the U.S. Bankruptcy Court, E.D. Missouri, it will include a stipulation providing \$19 to \$20 million to EPA to help perform cleanups at eight CERCLA sites where Peabody is a responsible party. The sites are mine waste sites in Illinois, Kansas, Missouri, and Oklahoma, where heavy metals contamination presents a threat to human health and the environment.

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance
(202) 564-8179 (direct)

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To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]; Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Cozad, David[Cozad.David@epa.gov]
From: Starfield, Lawrence
Sent: Tue 3/14/2017 9:44:10 PM
Subject: Daily enforcement report

Ryan,

Here's today's daily enforcement report. Please let us know if you would like to discuss these items further, or if you require additional information.

Larry

New Items:

-

Nooksack Indian Tribe – Serious, health-threatening violations of the Safe Drinking Water Act are on-going at six public waters systems operated by the Nooksack Indian Tribe in WA State.

Ex. 5 - Deliberative Process

Clean Air Act Section 114 information requests – EPA inspected storage tank batteries operated by seven oil & gas companies in the Eagle Ford shale play, and detected excess emissions of VOCs at levels of concern at two of those companies – Chesapeake and Encana. VOC emissions in the Eagle Ford area are believed to contribute to ozone non-attainment concerns in the San Antonio area.

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Callahan Mine Superfund Site, Brooksville, Maine – This CERCLA site is a 200-acre abandoned metals mine with PCB contamination and acid generating waste rock, where EPA is implementing a capping remedy to clean up the site. To help implement this remedy, DOJ/EPA and the State of Maine plan to file by March 17 with the US District Court in Maine a motion to enter a compliance agreement. As part of the agreement, Smith Cove – a non-profit Maine corporation landowner – will permit EPA to use soil and other material located on Smith Cove’s property, which will limit the need to bring material from offsite, eliminate thousands of trips of heavy truck traffic on local roads, and reduce the cost of the remedy.

Carry-over items awaiting clearance:

U.S. v. Harley Davidson – Harley Davidson sold over 340,000 devices that illegally increased emissions from motor cycles and 12,000 motor cycles that were not properly certified under the Clean Air Act, resulting in significant emissions of hydrocarbons and NOx. This week, DOJ would like to file a Motion to Enter the compliance agreement in which Harley agreed to pay a penalty of \$12M for these violations.

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Ex. 5 - Deliberative Process

Cong.

Jason Chaffetz raised a question about the wood stoves project, but our motion to enter will clarify that this project mitigates the harm caused by the violations and is an appropriate aspect of the case resolution. Enforcement of the mobile source provisions of the Clean Air Act is not delegated to the states.

US v. Nevada Cement - Nevada Cement violated the CAA when it made major modifications to its plant, resulting in significant increased emissions of NOx, without first obtaining a required permit and without installing necessary pollution control equipment. On March 15, 2017 DOJ will move to enter a compliance agreement in which Nevada Cement has agreed to install new air pollution control equipment that will reduce NOx emissions by approximately 1,140 tons per year, costing approximately \$2.5 million, and pay a penalty of \$550,000.

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Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

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-

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Cozad, David[Cozad.David@epa.gov]; Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Byron Brown (brown.byron@epa.gov)[brown.byron@epa.gov]
From: Starfield, Lawrence
Sent: Mon 3/13/2017 9:07:31 PM
Subject: Daily enforcement report

Ryan,

As discussed, we are beginning daily reports for you. I will send these by COB each day to alert you and the Administrator to hot enforcement items.

U.S. v. Volkswagen – VW has already acknowledged liability for the installation of computer software that increased emissions from its diesel vehicles. This week, DOJ plans to file a Motion

Ex. 5 - Deliberative Process

U.S. v. Harley Davidson – Harley Davidson sold over 340,000 devices that illegally increased emissions from motor cycles and 12,000 motor cycles that were not properly certified under the Clean Air Act, resulting in significant emissions of hydrocarbons and NOx. This week, DOJ would like to file a Motion to Enter the compliance agreement in which Harley agreed to pay a penalty of \$12M for these violations.

Ex. 5 - Deliberative Process

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Please let us know if you would like to discuss these items further, or if you require additional information.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance
(202) 564-8179 (direct)

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 cell)

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To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Shinkman, Susan[Shinkman.Susan@epa.gov]
From: Starfield, Lawrence
Sent: Mon 3/13/2017 4:53:11 PM
Subject: RE: Navistar case

Ryan,

Here is a more complete status report on our ongoing litigation with Navistar, prepared by our Air Enforcement Division. Please let us know if you'd like a briefing, or if you have additional questions.

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Ex. 5 - Deliberative Process

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance
(202) 564-8179 (direct)

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From: Jackson, Ryan
Sent: Sunday, March 12, 2017 7:49 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Cc: Schwab, Justin <schwab.justin@epa.gov>
Subject: Navistar case

Larry, could I get additional information this next week on the enforcement action against Navistar?

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Justin Schwab (schwab.justin@epa.gov)[schwab.justin@epa.gov]
From: Starfield, Lawrence
Sent: Mon 3/13/2017 12:59:49 AM
Subject: RE: Navistar case

Absolutely. In my weekly report of March 2nd, I reported the following:

●■■■■■■■■■ **Decision in *U.S. v. Navistar, Inc.*:** On March 1, 2017, The Agency received a favorable decision on summary judgment from a district court in Illinois finding Navistar, Inc. in violation of the CAA for selling 7,749 heavy-duty highway engines without getting the required certificate of conformity from EPA.

I'll get more information on the case tomorrow, and get back to you soon.

Larry

From: Jackson, Ryan
Sent: Sunday, March 12, 2017 7:49 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Schwab, Justin <schwab.justin@epa.gov>
Subject: Navistar case

Larry, could I get additional information this next week on the enforcement action against Navistar?

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

From: Jackson, Ryan
Location: Room 3402
Importance: Normal
Subject: General with Donna V.
Start Date/Time: Fri 5/5/2017 4:00:00 PM
End Date/Time: Fri 5/5/2017 4:15:00 PM

From: Jackson, Ryan
Location: 3402 WJC North
Importance: Normal
Subject: Discussion with Donna V.
Start Date/Time: Wed 5/3/2017 6:30:00 PM
End Date/Time: Wed 5/3/2017 7:00:00 PM

From: Jackson, Ryan
Location: 3402 WJC-N
Importance: Normal
Subject: Discussion with Donna V.
Start Date/Time: Wed 5/3/2017 2:30:00 PM
End Date/Time: Wed 5/3/2017 3:00:00 PM

From: Jackson, Ryan
Location: 3402 WJC-N
Importance: Normal
Subject: Discussion on Employee Relations Program
Start Date/Time: Thur 4/20/2017 6:30:00 PM
End Date/Time: Thur 4/20/2017 7:00:00 PM

From: Jackson, Ryan
Location: 3402 WJC-N
Importance: Normal
Subject: Discussion on Grants Information
Start Date/Time: Mon 4/3/2017 2:45:00 PM
End Date/Time: Mon 4/3/2017 3:30:00 PM

From: Jackson, Ryan
Location: 3402 WJC-N
Importance: Normal
Subject: Discussion on facilities in Las Vegas with Donna V.
Start Date/Time: Fri 3/3/2017 8:00:00 PM
End Date/Time: Fri 3/3/2017 8:30:00 PM
LV Talkers03022017v2.docx

To: Adm14Pruitt, Scott[adm14pruitt.scott@epa.gov]; Slotkin, Ron[Slotkin, Ron]; Baptist, Erik[Baptist, Erik]; Bloom, David[Bloom, David]; Yamada, Richard (Yujiro)[Yamada, Richard (Yujiro)]; Shaw, Betsy[Shaw, Betsy]; Breen, Barry[Breen, Barry]; Etzel, Ruth[Etzel, Ruth]; Starfield, Lawrence[Starfield, Lawrence]; McCabe, Catherine[McCabe, Catherine]; Wooden-Aguilar, Helena[Wooden-Aguilar, Helena]; Minoli, Kevin[Minoli, Kevin]; Thomas, Deb[Thomas, Deb]; Heard, Anne[Heard, Anne]; EPAVTC[EPAVTC]; Pirzadeh, Michelle[Pirzadeh, Michelle]; Coleman, Sam[Coleman, Sam]; Bowman, Liz[Bowman, Liz]; Harlow, David[Harlow, David]; Fine, Steven[Fine, Steven]; Freire, JP[Freire, JP]; Dunham, Sarah[Dunham, Sarah]; Beck, Nancy[Beck, Nancy]; Shapiro, Mike[Shapiro, Mike]; Sands, Jeffrey[Sands, Jeffrey]; Jackson, Ryan[Jackson, Ryan]; 2017Regionfirstassistants[2017Regionfirstassistants]; Szaro, Deb[Szaro, Deb]; 2017HQfirstassistants[2017HQfirstassistants]; Wagner, Kenneth[Wagner, Kenneth]; Nishida, Jane[Nishida, Jane]; Cleland-Hamnett, Wendy[Cleland-Hamnett, Wendy]; Lyons, Troy[Lyons, Troy]; White, Elizabeth[White, Elizabeth]; Strauss, Alexis[Strauss, Alexis]; Orme-Zavaleta, Jennifer[Orme-Zavaleta, Jennifer]; Bolen, Brittany[Bolen, Brittany]; Kaplan, Robert[Kaplan, Robert]; Glenn, Trey[Glenn, Trey]; Reeder, John[Reeder, John]; Bodine, Susan[Bodine, Susan]; Flynn, Mike[Flynn, Mike]; Davis, Patrick[Davis, Patrick]; Mugdan, Walter[Mugdan, Walter]; Kling, David[Kling, David]; Torma, Tim[Torma, Tim]; Kavlock, Robert[Kavlock, Robert]; Konkus, John[Konkus, John]; Rodrigues, Cecil[Rodrigues, Cecil]; Richardson, RobinH[Richardson, RobinH]; Chu, Ed[Chu, Ed]; Elkins, Arthur[Elkins, Arthur]; Munoz, Charles[Munoz, Charles]; Actadmmccabe, Catherine17[Actadmmccabe, Catherine17]; Brennan, Thomas[Brennan, Thomas]; Allen, Reginald[Allen, Reginald]; Ringel, Aaron[Ringel, Aaron]; Lapierre, Kenneth[Lapierre, Kenneth]; Dourson, Michael[Dourson, Michael]; Kenny, Shannon[Kenny, Shannon]; Vizian, Donna[Vizian, Donna]; Simon, Nigel[Simon, Nigel]

Cc: Hill, Randy[Hill, Randy]; Holsman, Marianne[Holsman, Marianne]; Wise, Louise[Wise, Louise]; Dravis, Samantha[Dravis, Samantha]; Opalski, Dan[Opalski, Dan]; Servidio, Cosmo[Servidio, Cosmo]; Bertrand, Charlotte[Bertrand, Charlotte]; Greaves, Holly[Greaves, Holly]; Brown, Byron[Brown, Byron]; Benevento, Douglas[Benevento, Douglas]; Rodgers, Ryan[Rodgers, Ryan]; Stepp, Cathy[Stepp, Cathy]; Darwin, Henry[Darwin, Henry]; Ashbee, Blake[Ashbee, Blake]; Traylor, Patrick[Traylor, Patrick]; Grantham, Nancy[Grantham, Nancy]; Forsgren, Lee[Forsgren, Lee]

To: Simon, Nigel[Simon.Nigel@epa.gov]; Fine, Steven[fine.steven@epa.gov]; Lapierre, Kenneth[lapierre.kenneth@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]; 2017Regionfirstassistants[2017Regionfirstassistants@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Yamada, Richard (Yujiro)[yamada.richard@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]; Szaro, Deb[Szaro.Deb@epa.gov]; Nishida, Jane[Nishida.Jane@epa.gov]; Cleland-Hamnett, Wendy[Cleland-Hamnett.Wendy@epa.gov]; Shaw, Betsy[Shaw.Betsy@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]; Bloom, David[Bloom.David@epa.gov]; Allen, Reginald[Allen.Reginald@epa.gov]; Actadmmccabe, Catherine17[actadmmccabe.catherine17@epa.gov]; Konkus, John[konkus.john@epa.gov]; Etzel, Ruth[Etzel.Ruth@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Kling, David[Kling.Dave@epa.gov]; 2017HQfirstassistants[2017HQfirstassistants@epa.gov]; Kavlock, Robert[Kavlock.Robert@epa.gov]; Vizian, Donna[Vizian.Donna@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; Heard, Anne[Heard.Anne@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; McCabe, Catherine[McCabe.Catherine@epa.gov]; Strauss, Alexis[Strauss.Alexis@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Shapiro, Mike[Shapiro.Mike@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; EPAVTC[EPAVTC@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Beck, Nancy[beck.nancy@epa.gov]; Elkins, Arthur[Elkins.Arthur@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Slotkin, Ron[slotkin.ron@epa.gov]; Coleman, Sam[Coleman.Sam@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Thomas, Deb[thomas.debrah@epa.gov]; Brennan, Thomas[Brennan.Thomas@epa.gov]; Mugdan, Walter[Mugdan.Walter@epa.gov]; Rodrigues, Cecil[rodrigues.cecil@epa.gov]; Kaplan, Robert[kaplan.robert@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Chu, Ed[Chu.Ed@epa.gov]; Pirzadeh, Michelle[Pirzadeh.Michelle@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; Bodine, Susan[bodine.susan@epa.gov]; Glenn, Trey[Glenn.Trey@epa.gov]; White, Elizabeth[white.elizabeth@epa.gov]; Harlow, David[harlow.david@epa.gov]; Dourson, Michael[dourson.michael@epa.gov]; Sands, Jeffrey[sands.jeffrey@epa.gov]; Orme-Zavaleta, Jennifer[Orme-Zavaleta.Jennifer@epa.gov]; Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]; Burke, Marcella[burke.marcella@epa.gov]; Wehrum, Bill[Wehrum.Bill@epa.gov]

Cc: Holsman, Marianne[Holsman.Marianne@epa.gov]; Hill, Randy[Hill.Randy@epa.gov]; Opalski, Dan[Opalski.Dan@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Darwin, Henry[darwin.henry@epa.gov]; Wise, Louise[Wise.Louise@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]; Stepp, Cathy[stepp.cathy@epa.gov]; Rodgers, Ryan[Rodgers.Ryan@epa.gov]; Benevento, Douglas[benevento.douglas@epa.gov]; Servidio, Cosmo[servidio.cosmo@epa.gov]; Bertrand, Charlotte[Bertrand.Charlotte@epa.gov]; Ashbee, Blake[ashbee.blake@epa.gov]; Cherry, Katrina[Cherry.Katrina@epa.gov]
To: Bangerter, Layne[bangerter.layne@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Kreutzer, David[kreutzer.david@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Sugiyama, George[sugiyama.george@epa.gov]
From: Adm14Pruitt, Scott
Sent: Mon 11/13/2017 5:39:19 PM
Subject: Senior Staff Meeting

To: Vizian, Donna[Vizian.Donna@epa.gov]
Cc: Showman, John[Showman.John@epa.gov]; Noga, Vaughn[Noga.Vaughn@EPA.GOV]
From: Jackson, Ryan
Sent: Tue 5/9/2017 1:30:03 PM
Subject: RE: Region 8 Information
Real Estate Summary January 2017.xlsx

We received a spreadsheet showing the space costs for a number of the facilities at the regional level including the regional HQs.

However, the costs for region 9 HQ was listed at \$30+ million. That's not correct so I'm trying to get the correct figures. Attached is the example I'm referencing.

From: Vizian, Donna
Sent: Tuesday, May 9, 2017 9:19 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Showman, John <Showman.John@epa.gov>; Noga, Vaughn <Noga.Vaughn@EPA.GOV>
Subject: Re: Region 8 Information

Ryan do you want all regions or just R8? The R8 building is the one listed on Wynkoop street.

On May 9, 2017, at 9:08 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Thank you, but I was looking for all the regions.

From: Cooper, Marian **On Behalf Of** Vizian, Donna
Sent: Tuesday, May 9, 2017 9:08 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Vizian, Donna <Vizian.Donna@epa.gov>; Showman, John <Showman.John@epa.gov>; Noga, Vaughn <Noga.Vaughn@EPA.GOV>
Subject: Region 8 Information
Importance: High

Ryan,

Attached is the information on Region 8. Please let us know if you have any questions or need additional information.

Thanks,

Marian Cooper

To: Vizian, Donna[Vizian.Donna@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]
From: Jackson, Ryan
Sent: Thur 3/9/2017 6:06:56 PM

I reached who I wanted to about the NV lab. Please move forward with your recommendation.
Thanks.

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Flynn, Mike[Flynn.Mike@epa.gov]
From: Vizian, Donna
Sent: Wed 4/26/2017 1:28:26 PM
Subject: Re:

I'll get you that information.

> On Apr 26, 2017, at 8:34 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

>

Ex. 5 - Deliberative Process; Ex. 2

>

> Ryan Jackson
> Chief of Staff
> U.S. EPA

>

Ex. 6 - Personal Privacy

To: Jackson, Ryan[jackson.ryan@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]
From: Vizian, Donna
Sent: Tue 4/25/2017 11:02:45 PM
Subject: RE: Press Statement re: Regional Office Leases Expiring/Not Renewed

Ryan,

Ex. 5 - Deliberative Process

Please let me know if you have any questions.

From: Jackson, Ryan
Sent: Tuesday, April 25, 2017 4:16 PM
To: Vizian, Donna <Vizian.Donna@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject: FW: Press Statement re: Regional Office Leases Expiring/Not Renewed

I'm not sure I understand this. Can you weigh in on this?

From: Bowman, Liz
Sent: Tuesday, April 25, 2017 4:13 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Freire, JP <Freire.JP@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Press Statement re: Regional Office Leases Expiring/Not Renewed

Ex. 5 - Deliberative Process

DRAFT – DO NOT DISTRIBUTE, CITE OR QUOTE

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Best,

Sam

From: Dravis, Samantha
Sent: Tuesday, April 25, 2017 4:05 PM
To: Freire, JP <Freire.JP@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: CONFIDENTIAL - DRAFT

I see, I think this response is fine.

From: Freire, JP
Sent: Tuesday, April 25, 2017 4:04 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: CONFIDENTIAL - DRAFT

We're not renewing leases in a number of locations around the country. Public perception will be that we're shutting things down, when we're just looking for cheaper office space/lab space.

From: Dravis, Samantha
Sent: Tuesday, April 25, 2017 4:00 PM

To: Bowman, Liz <Bowman.Liz@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Freire, JP <Freire.JP@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: CONFIDENTIAL - DRAFT

I don't know anything about this. Can you fill me in?

From: Bowman, Liz
Sent: Tuesday, April 25, 2017 3:59 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Freire, JP <Freire.JP@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: FW: CONFIDENTIAL - DRAFT

Ex. 5 - Deliberative Process

From: Gray, David
Sent: Tuesday, April 25, 2017 2:23 PM
To: Freire, JP <Freire.JP@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>
Subject: RE: CONFIDENTIAL - DRAFT

JP,

We have OMB directives to reduce leased space and several expiring leases have been targeted by Donna Vizian and David Bloom to achieve the directive.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

David

From: Freire, JP

Sent: Tuesday, April 25, 2017 12:58 PM

To: Gray, David <gray.david@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>

Subject: RE: CONFIDENTIAL - DRAFT

Ex. 5 - Deliberative Process

DRAFT – DO NOT DISTRIBUTE, CITE OR QUOTE

Ex. 5 - Deliberative Process

DRAFT – DO NOT DISTRIBUTE, CITE OR QUOTE

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Vizian, Donna
Sent: Mon 4/24/2017 9:06:54 PM
Subject: RE: OGD Weekly Grant Reports 04-24-2017

No problem and great!

From: Jackson, Ryan
Sent: Monday, April 24, 2017 3:05 PM
To: Vizian, Donna <Vizian.Donna@epa.gov>
Subject: Fwd: OGD Weekly Grant Reports 04-24-2017

Would you mind adding JP Freire, Amy graham, Liz bowman, Jahan Wilcox, and john konkus to the distribution list as well.

Big thanks for this. I really like it.

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

Begin forwarded message:

From: OGD Grant Reports <OGD_Grant_Reports@epa.gov>
Date: April 24, 2017 at 2:01:37 PM CDT
To: OGD_Grant_Reports <OGD_Grant_Reports@epa.gov>, "Neal, Kerry" <neal.kerry@epa.gov>, "Jackson, Ryan" <jackson.ryan@epa.gov>, "Bennett, Tate" <Bennett.Tate@epa.gov>, "Lyons, Troy" <lyons.troy@epa.gov>, "Dickerson, Aaron" <dickerson.aaron@epa.gov>, "Willis, Sharnett" <Willis.Sharnett@epa.gov>, "Brown, Byron" <brown.byron@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Greaves, Holly" <greaves.holly@epa.gov>, "Bloom, David" <Bloom.David@epa.gov>, "Richardson, RobinH" <Richardson.RobinH@epa.gov>, ARA <ARA@epa.gov>
Cc: "Vizian, Donna" <Vizian.Donna@epa.gov>, "Showman, John" <Showman.John@epa.gov>, "Cooper, Marian" <Cooper.Marian@epa.gov>, "Bell, Matthew" <Bell.Matthew@epa.gov>, "Polk, Denise" <Polk.Denise@epa.gov>, "Sylvester,

Kenneth" <Sylvester.Kenneth@epa.gov>, "Milazzo, Julie" <Milazzo.Julie@epa.gov>, "Jones, Laurice" <Jones.Laurice@epa.gov>, "Flynn, Mike" <Flynn.Mike@epa.gov>, "Etheredge, William" <Etheredge.William@epa.gov>

Subject: OGD Weekly Grant Reports 04-24-2017

EPA Colleagues,

You are receiving this email because the Chief of Staff has requested that you be included on this weekly report. There are 3 reports included within this email. Two reports, the Pending Grant Actions > \$250K and the White House (WH) Administrator Report, have been requested weekly every Monday, while the third report, the Congressional Notification (CN) Report, is a daily report that the Office of Grants and Debarment (OGD) prepares and sends forward; it is also included here in this submission.

Below is a description and a point of contact (POC) for each report. Please don't hesitate to reach out with any questions related to this submission.

Kind regards,

Kerry Neal

~ ~ ~ ~

Kerry K. Neal

Deputy Director

Office of Grants and Debarment

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W. Mail Stop: 3901R

Washington, D.C. 20460

202-564-3766 (direct dial)

Report Type	Report Description	POC	Report Submission Frequency
Pending Grant Actions > \$250K	The purpose of this report is to show a listing of the Agency-wide Funding Packages (includes a Commitment Notice and either a Funding Recommendation or a Change Request form) that have been “Finalized” by the Program Office but have yet to be awarded. Furthermore, the reports lists only individual monetary grant actions greater than \$250,000. The source of the information contained in the Pending Grant Actions >\$250K report is Grants Data Mart, which reflects information input into IGMS by Grants Management staff across the agency.	William Etheredge	
White House Administrator	The purpose of this report is to notify EPA senior leaders of awards prior to issuance for coordination and communication purposes. Grants Management Offices are required to report any assistance agreement award to the Office of Grants and Debarment (OGD), National Policy, Training and Compliance Division (NPTCD), in which the EPA contribution (including in-kind assistance) is for \$1,000,000 or greater. NPTCD compiles this information into a weekly report submitted to the White House Liaison within the Office of the Administrator.	Michael Williams	Weekly every Monday
Congressional Notification	The purpose of this report is to show monetary grant awards that were signed by EPA Award Officials the previous business day. When the award is signed, a Congressional Notification is automatically triggered within the Integrated Grants Management System (IGMS) database. The source of the information contained in the CN report is Grants Data Mart, which reflects information input into IGMS by Grants Management staff across the agency.	Laurice Jones	Daily

From: Vizian, Donna
Location: DCRoomARN3330/DC-AR-OARM
Importance: Normal
Subject: EO Discussion
Start Date/Time: Fri 6/2/2017 1:00:00 PM
End Date/Time: Fri 6/2/2017 2:30:00 PM

To: Flynn, Mike[Flynn.Mike@epa.gov]
Cc: Jackson, Ryan[jackson.ryan@epa.gov]
From: Vizian, Donna
Sent: Thur 4/20/2017 11:06:31 PM
Subject: Re: [USAID ALERT] [UPDATE 2] Partial Ceiling Collapse at RRB--North 14th Street Garage Ramp

And Mike I found out it was not an EPA employee.

On Apr 20, 2017, at 6:37 PM, Flynn, Mike <Flynn.Mike@epa.gov> wrote:

Heads up FYA - partial ceiling collapse in parking garage damages car, but thankfully we understand the driver is ok (although may have sustained some injuries).

Mike Flynn
Acting Deputy Administrator
U.S. Environmental Protection Agency
(202) 564-4711

Begin forwarded message:

From: "Vizian, Donna" <Vizian.Donna@epa.gov>
To: "Flynn, Mike" <Flynn.Mike@epa.gov>
Subject: FW: [USAID ALERT] [UPDATE 2] Partial Ceiling Collapse at RRB--North 14th Street Garage Ramp

FYI – in case you hear anything.

From: Noga, Vaughn
Sent: Thursday, April 20, 2017 5:28 PM
To: Vizian, Donna <Vizian.Donna@epa.gov>
Subject: FW: [USAID ALERT] [UPDATE 2] Partial Ceiling Collapse at RRB--North 14th Street Garage Ramp

FYI – Picture of the car at the bottom of the message. Not sure at this time if it was an EPA employee or not.

From: Sterling, Sherry

Sent: Thursday, April 20, 2017 5:25 PM

To: Noga, Vaughn <Noga.Vaughn@EPA.GOV>; Petrole, Maryann <Petrole.Maryann@epa.gov>; Blankenship, Steven <Blankenship.Steven@epa.gov>

Cc: Jefferson, Gayle <Jefferson.Gayle@epa.gov>

Subject: Fwd: [USAID ALERT] [UPDATE 2] Partial Ceiling Collapse at RRB--North 14th Street Garage Ramp

FYI

Sent from my iPhone

Begin forwarded message:

From: "Bellerose, William" <Bellerose.William@epa.gov>

To: "OARM-OA-SMD-OB" <OARM-OA-SMD-OB@epa.gov>, "Stewart, Neil" <Stewart.Neil@epa.gov>, "OARM-OA-HQ-OB" <OARM-OA-HQ-OB@epa.gov>, "Sterling, Sherry" <Sterling.Sherry@epa.gov>, "Morina, Lenec" <Morina.Lenec@epa.gov>, "Jefferson, Gayle" <Jefferson.Gayle@epa.gov>, "Baker, Philip" <baker.philip@epa.gov>

Cc: "Braxton, Kia" <Braxton.Kia@epa.gov>, "Furphy, Timothy" <Furphy.Timothy@epa.gov>

Subject: FW: [USAID ALERT] [UPDATE 2] Partial Ceiling Collapse at RRB--North 14th Street Garage Ramp

FYI, see photo below.

William "Bill" Bellerose
Security Specialist
Headquarters Service Branch
Facilities Management and Services Division
Desk: (202) 566-2191
Cell: { Ex. 6 - Personal Privacy }

From: Todd Jasper [<mailto:tjasper@usaid.gov>]

Sent: Thursday, April 20, 2017 5:20 PM

To: USAID Emergency Alerts <alerts@usaid.gov>

Subject: [USAID ALERT] [UPDATE 2] Partial Ceiling Collapse at RRB--North 14th Street Garage Ramp

Pictures of the scene are attached--FOUO only

[[cid:image001.jpg@01D2B9FA.9AB743F0](#)]

[[cid:image002.jpg@01D2B9FA.9AB743F0](#)]

Todd J. Jasper, MEP, MsCP, CCM
Health, Safety & Emergency Management
M/MS/HMD

Desk: 202-712-0182

Mobile: Ex. 6 - Personal Privacy

Email: tjasper@usaid.gov<<mailto:tjasper@usaid.gov>>

External Website: www.usaid.gov/emergency<<http://www.usaid.gov/emergency>>

Intranet Webpage: <https://pages.usaid.gov/M/MS/HMD/occupant-emergency-program>

1300 Pennsylvania Ave, NW
M/MS/HMD, 2.12.125
Washington, D.C. 20523

On Thu, Apr 20, 2017 at 5:18 PM, Todd Jasper

<tjasper@usaid.gov<<mailto:tjasper@usaid.gov>>> wrote:

DC Fire and EMS confirms that there were no injuries. The collapse was NOT structural--DC FEMS liaison states the materials that fell was "drywall with some 2x4s thrown in". They also report there is additional drywall that may fall on north 14th Street ramp. The ramp will remain closed through the evening.

Todd J. Jasper, MEP, MsCP, CCM
Health, Safety & Emergency Management
M/MS/HMD

Desk: 202-712-0182<[tel:\(202\)%20712-0182](tel:(202)%20712-0182)>

Mobile: Ex. 6 - Personal Privacytel:(949)%20413-5579>

Email: tjasper@usaid.gov<<mailto:tjasper@usaid.gov>>

External Website: www.usaid.gov/emergency<<http://www.usaid.gov/emergency>>

Intranet Webpage: <https://pages.usaid.gov/M/MS/HMD/occupant-emergency-program>

1300 Pennsylvania Ave, NW
M/MS/HMD, 2.12.125
Washington, D.C. 20523

On Thu, Apr 20, 2017 at 5:07 PM, Todd Jasper

<tjasper@usaid.gov<<mailto:tjasper@usaid.gov>>> wrote:

At approximately 4:50 PM, a ceiling panel on the north 14th Street ramp of the Ronald Reagan Building fell on a vehicle. The driver survived and has been

removed from the vehicle. At the moment it is assumed that the driver has not sustained life-threatening injuries. It is unknown which Agency the driver is affiliated with.

The north ramp is currently closed to vehicle and pedestrian traffic (both exiting and entering). More information to follow.

Todd J. Jasper, MEP, MsCP, CCM
Health, Safety & Emergency Management
M/MS/HMD

Desk: 202-712-0182<tel:(202)%20712-0182>

Mobile: **Ex. 6 - Personal Privacy**

Email: tjasper@usaid.gov<<mailto:tjasper@usaid.gov>>

External Website: www.usaid.gov/emergency<<http://www.usaid.gov/emergency>>

Intranet Webpage: <https://pages.usaid.gov/M/MS/HMD/occupant-emergency-program>

1300 Pennsylvania Ave, NW
M/MS/HMD, 2.12.125
Washington, D.C. 20523

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Todd J. Jasper, MEP, MsCP, CCM
Health, Safety & Emergency Management
M/MS/HMD

Desk: 202-712-0182

Mobile: **Ex. 6 - Personal Privacy**

Email: tjasper@usaid.gov<<mailto:tjasper@usaid.gov>>

External Website: www.usaid.gov/emergency<<http://www.usaid.gov/emergency>>

Intranet Webpage: <https://pages.usaid.gov/M/MS/HMD/occupant-emergency-program>

1300 Pennsylvania Ave, NW
M/MS/HMD, 2.12.125
Washington, D.C. 20523

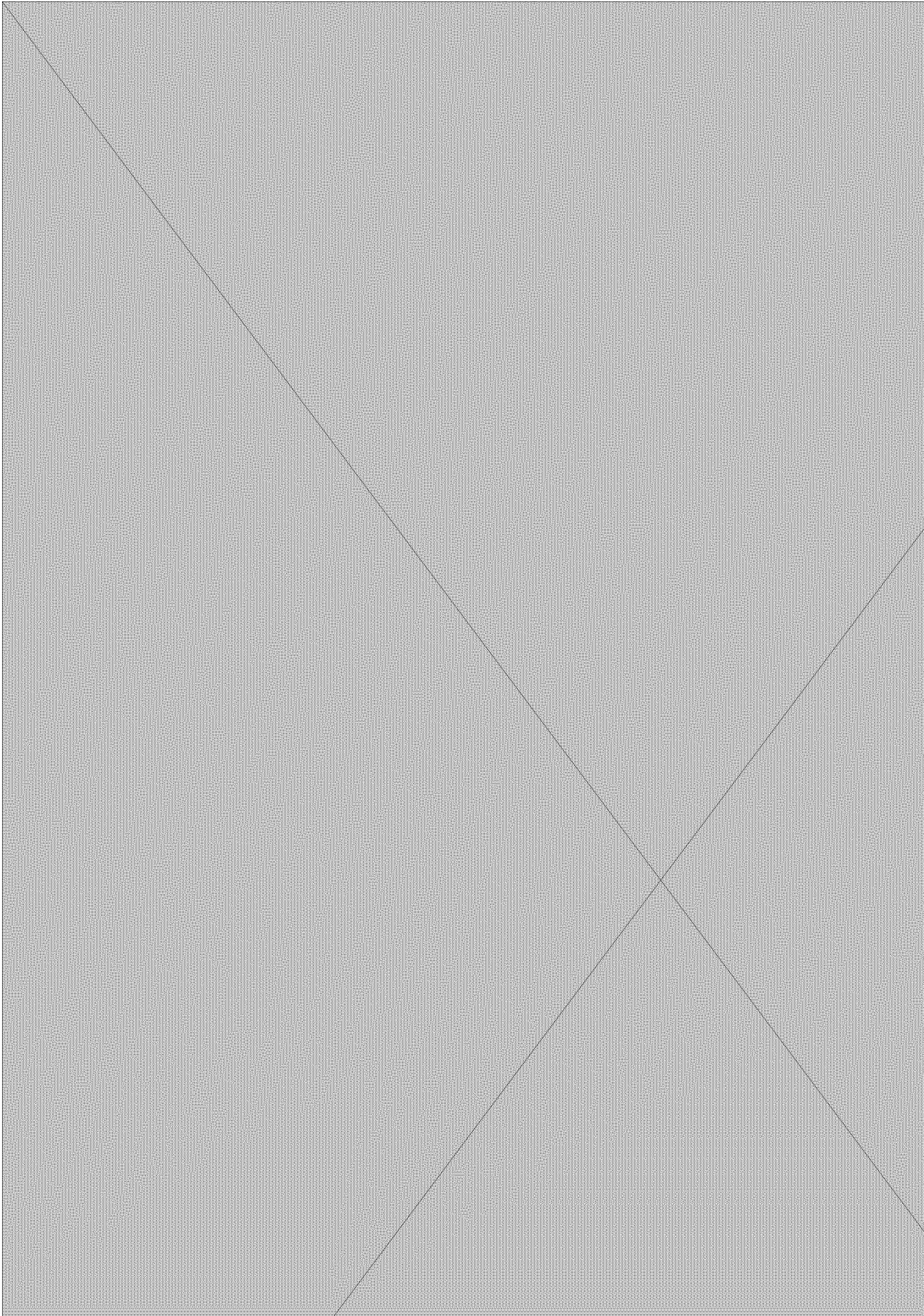
--

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To unsubscribe from this group and stop receiving emails from it, send an email to alerts+unsubscribe@usaid.gov<<mailto:alerts+unsubscribe@usaid.gov>>.



From: Vizian, Donna
Location: DCRoomARN3330/DC-AR-OARM
Importance: Normal
Subject: EO Discussion
Start Date/Time: Thur 4/20/2017 5:30:00 PM
End Date/Time: Thur 4/20/2017 6:00:00 PM

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Flynn, Mike[Flynn.Mike@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Showman, John[Showman.John@epa.gov]
From: Vizian, Donna
Sent: Mon 4/17/2017 8:41:11 PM
Subject: Information on Probationary Employees

Hi Ryan, last week you asked about the Agency's ability to release new employees that are within the one year probationary period. Here is the information. If you need anything else or have questions, please let me know. Donna

The following is from the regulation that covers Title 5 (civil service employees):

§ 315.803 Agency action during probationary period (general).

(a) The agency shall utilize the probationary period as fully as possible to determine the fitness of the employee and shall terminate his services during this period if he fails to demonstrate fully his qualifications for continued employment.

(b) Termination of an individual serving a probationary period must be taken in accordance with subpart D of part 752 of this chapter if the individual has completed one year of current continuous service under other than a temporary appointment limited to 1 year or less and is not otherwise excluded by the provisions of that subpart.

These regulations speak to removal based on qualifications or fitness for the job only. Reductions due to budgetary reasons of competitive service probationary period employees (Career Conditional) would be subject to RIF procedures, as required in the section below. These employees would generally be the second category after non-permanent/non-status employees.

§ 351 *Reduction In Force*

5 CFR 351.201 (a)(2) *Each agency shall follow this part when it releases a competing employee from his or her competitive level by furlough for more than 30 days, separation, demotion, or reassignment requiring displacement, when the release is required because of lack of work; shortage of funds; insufficient personnel ceiling;*

reorganization; the exercise of reemployment rights or restoration rights; or reclassification of an employee's position due to erosion of duties when such action will take effect after an agency has formally announced a reduction in force in the employee's competitive area and when the reduction in force will take effect within 180 days.

Something to note: employees terminated during the probationary period have limited appeal rights to the MSPB. They may appeal to the Board if they believe their termination was based on (a) partisan political reasons, or (b) marital status. They may also appeal the termination based on discrimination because of race, color, religion, sex, national origin, age, or physical or mental disability, but only if the allegation of such discrimination is raised in addition to (a) or (b) mentioned above.

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Vizian, Donna
Sent: Mon 5/22/2017 3:52:35 PM
Subject: Re: Interview

I'll take care of it.

On May 22, 2017, at 10:43 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

So this lady literally couldn't get in touch with me for maybe a week and a half and closed my file and sent it back to EPA.

From: Fall, Rachel S. [mailto:Rachel.Fall@nbib.gov]
Sent: Monday, May 22, 2017 10:38 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: Interview

Mr. Jackson,

Thank you reaching out.

Please contact your Security Office at EPA for further guidance regarding your investigation.

At this time, I do not have any further information.

Special Agent Rachel Fall

Ex. 6 - Personal Privacy

rachel.fall@nbib.gov

United States Office of Personnel Management

National Background Investigations Bureau

Washington, DC

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From: Jackson, Ryan [<mailto:jackson.ryan@epa.gov>]

Sent: Saturday, May 20, 2017 7:02 PM

To: Fall, Rachel S.

Cc: Vizian, Donna

Subject: RE: Interview

I'm emailing to follow up on conducting an interview.

Thank you.

From: Fall, Rachel S. [mailto:Rachel.Fall@nbib.gov]
Sent: Monday, May 8, 2017 5:23 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Dickerson, Aaron <dickerson.aaron@epa.gov>
Subject: RE: Interview

Hi Mr. Jackson,

Thank you for email.

I sent you an email last Wednesday, May 3rd, and called you regarding scheduling your interview.

Unfortunately, your case is suspended at this time within my agency and I cannot work the cases until it is unsuspended.

Once I receive more information I will be in touch by email and phone to schedule your interview.

Thank you,

Special Agent Rachel Fall

Ex. 6 - Personal Privacy

rachel.fall@nbib.gov

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Washington, DC

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From: Jackson, Ryan [<mailto:jackson.ryan@epa.gov>]
Sent: Monday, May 08, 2017 11:01 AM
To: Fall, Rachel S.
Cc: Dickerson, Aaron
Subject: RE: Interview

Are there convenient times this week for you?

From: Fall, Rachel S. [<mailto:Rachel.Fall@nbib.gov>]
Sent: Tuesday, April 25, 2017 12:08 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: Interview

Just checking in on trying to schedule something this week.

Thank you,

Special Agent Rachel Fall

Ex. 6 - Personal Privacy

rachel.fall@opm.gov

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Washington, DC

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On Apr 24, 2017, at 9:14 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Ok. I'm out today but will be back in tomorrow through the remainder of the week. We'll coordinate a time. Are there convenient times for you?

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On Apr 23, 2017, at 7:31 PM, Fall, Rachel S. <Rachel.Fall@nbib.gov> wrote:

Mr. Jackson,

Please contact me to coordinate scheduling your interview for your federal background investigation.

Thank you,

Special Agent Rachel Fall

Ex. 6 - Personal Privacy

rachel.fall@nbib.gov

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National Background Investigations Bureau

Washington, DC

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To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Flynn, Mike[Flynn.Mike@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Bloom, David[Bloom.David@epa.gov]; Showman, John[Showman.John@epa.gov]
Bcc: Hart, Debbi[Hart.Debbi@epa.gov]
From: Vizian, Donna
Sent: Mon 4/17/2017 6:20:47 PM
Subject: Past Voluntary Early Retirement Authority and Voluntary Separation Incentive Payment Programs
[MassMailerVVAnnouncementDec2013.docx](#)
[All Hands MessagesVV Update Feb2014.docx](#)
[MassMailer HooksOARM March2014.docx](#)
[OARM VV communication to OA Employees Round 1 Feb2014.docx](#)
[Phase I V-V Summaries.docx](#)
[V-V Phase 2 Summaries.docx](#)

Hi Ryan,

Last week you asked for information on our previous VERA/VSIP programs. The attachments include: 2 Mass Mailers released by then deputy administrator Bob Perciasepe prior to initiation Round 1; 2) A Supplemental communication from the AA for OARM; 3) An example of an office specific communication once OPM/OMB approved a business case (this one is for an office in OARM); and, 4) a compilation of one pagers summarizing business cases for phase 1 and phase 2 (separate files).

Please let me know if you have any questions or would like me to walk you through this.

Best,

Donna

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Vizian, Donna
Sent: Sun 5/21/2017 3:35:28 AM
Subject: Re: Interview

I'm asking questions

On May 20, 2017, at 5:02 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

I'm emailing to follow up on conducting an interview.

Thank you.

From: Fall, Rachel S. [mailto:Rachel.Fall@nbib.gov]
Sent: Monday, May 8, 2017 5:23 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Dickerson, Aaron <dickerson.aaron@epa.gov>
Subject: RE: Interview

Hi Mr. Jackson,

Thank you for email.

I sent you an email last Wednesday, May 3rd, and called you regarding scheduling your interview.

Unfortunately, your case is suspended at this time within my agency and I cannot work the cases until it is unsuspended.

Once I receive more information I will be in touch by email and phone to schedule your interview.

Thank you,

Special Agent Rachel Fall

Ex. 6 - Personal Privacy

rachel.fall@nbib.gov

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From: Jackson, Ryan [<mailto:jackson.ryan@epa.gov>]

Sent: Monday, May 08, 2017 11:01 AM

To: Fall, Rachel S.

Cc: Dickerson, Aaron

Subject: RE: Interview

Are there convenient times this week for you?

From: Fall, Rachel S. [<mailto:Rachel.Fall@nbib.gov>]
Sent: Tuesday, April 25, 2017 12:08 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: Interview

Just checking in on trying to schedule something this week.

Thank you,

Special Agent Rachel Fall

Ex. 6 - Personal Privacy

rachel.fall@opm.gov

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On Apr 24, 2017, at 9:14 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Ok. I'm out today but will be back in tomorrow through the remainder of the week. We'll coordinate a time. Are there convenient times for you?

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On Apr 23, 2017, at 7:31 PM, Fall, Rachel S. <Rachel.Fall@nbib.gov> wrote:

Mr. Jackson,

Please contact me to coordinate scheduling your interview for your federal background investigation.

Thank you,

Special Agent Rachel Fall

Ex. 6 - Personal Privacy

rachel.fall@nbib.gov

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Vizian, Donna
Sent: Sun 5/21/2017 3:30:40 AM
Subject: Re: NGA - Art Selection

I asked her to look for portraits. Stay tuned

On May 20, 2017, at 3:08 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thank you very much for looking for something.

From: Hale, Michelle
Sent: Friday, May 19, 2017 9:53 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: FW: NGA - Art Selection

Thoughts? (Personally, I don't think any of these are his style.)

From: Wilson, SeVera
Sent: Friday, May 19, 2017 9:40 AM
To: Hale, Michelle <hale.michelle@epa.gov>; Allen, Reginald <Allen.Reginald@epa.gov>; Jenkins, Donna <Jenkins.Donna@epa.gov>; Chmielewski, Kevin <chmielewski.kevin@epa.gov>
Cc: Noga, Vaughn <Noga.Vaughn@EPA.GOV>; Vizian, Donna <Vizian.Donna@epa.gov>; Sterling, Sherry <Sterling.Sherry@epa.gov>; Stewart, Neil <Stewart.Neil@epa.gov>
Subject: NGA - Art Selection

Good Morning Michelle. Below are several available pieces at the Nation Gallery of Art (NGA). As you are aware, there is not a fee to have these pieces shipped & installed. Please let me know if the Administrator would be interested in any of these. Thank you.

<image001.jpg>

American 19th Century (artist)
Horizon of the New World, c. 1830
oil on canvas
overall: 77.6 x 167 cm (30 9/16 x 65 3/4 in.)
framed: 84.7 x 174.3 x 2.8 cm (33 3/8 x 68 5/8 x 1 1/8 in.)
Gift of Edgar William and Bernice Chrysler Garbisch
1980.62.29

<image002.jpg>

American 19th Century (artist)
The End of the Hunt, c. 1800
oil on canvas
overall: 87.6 x 136.8 cm (34 1/2 x 53 7/8 in.)
framed: 114 x 162.2 x 3.9 cm (44 7/8 x 63 7/8 x 1 9/16 in.)
Gift of Edgar William and Bernice Chrysler Garbisch
1953.5.99

<image003.jpg>

American 19th Century (artist)
The Start of the Hunt, c. 1800
oil on canvas
overall: 88.1 x 139.1 cm (34 11/16 x 54 3/4 in.)
framed: 113.7 x 164.8 x 3.8 cm (44 3/4 x 64 7/8 x 1 1/2 in.)
Gift of Edgar William and Bernice Chrysler Garbisch
1953.5.98

<image004.jpg>

American 19th Century (artist)
Stylized Landscape, second half 19th century
oil on canvas
overall: 70.5 x 105.4 cm (27 3/4 x 41 1/2 in.)
framed: 88.6 x 124.4 x 3.8 cm (34 7/8 x 49 x 1 1/2 in.)
Gift of Edgar William and Bernice Chrysler Garbisch
1967.20.7

<image005.jpg>

Dana Smith (artist)
American, 1805 - 1901
Southern Resort Town, c. 1880
oil on canvas
overall: 56.3 x 78 cm (22 3/16 x 30 11/16 in.)
framed: 74.9 x 96.5 x 4.9 cm (29 1/2 x 38 x 1 15/16 in.)
Gift of Edgar William and Bernice Chrysler Garbisch
1971.83.11

<image006.jpg>

Allen Tucker (artist)
American, 1866 - 1939
Madison Square, Snow, 1904
oil on canvas
overall: 50.8 x 60.9 cm (20 x 24 in.)
framed: 66 x 76.2 cm (26 x 30 in.)
Gift of the Allen Tucker Memorial
1971.13.2













To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Vizian, Donna
Sent: Thur 4/13/2017 8:43:14 PM
Subject: Parking Audit

We have about a month before the IG issues their discussion draft and then we have 30 days to respond. So you have time.

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Vizian, Donna
Sent: Tue 5/16/2017 8:07:26 PM
Subject: Re:

Got it

> On May 16, 2017, at 3:04 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

>

> 930

>

>

>

> Ryan Jackson

> Chief of Staff

> U.S. EPA

> Ex. 6 - Personal Privacy

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Flynn, Mike[Flynn.Mike@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Noga, Vaughn[Noga.Vaughn@EPA.GOV]
From: Vizian, Donna
Sent: Wed 4/12/2017 9:12:20 PM
Subject: Re: Gym memberships???

Ex. 5 - Deliberative Process; Ex. 2

> On Apr 12, 2017, at 4:08 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

>

Ex. 5 - Deliberative Process; Ex. 2

>

> Ryan Jackson
> Chief of Staff
> U.S. EPA

Ex. 6 - Personal Privacy

>

>> On Apr 12, 2017, at 3:49 PM, Vizian, Donna <Vizian.Donna@epa.gov> wrote:

>>

>> Ryan,

>>

>> I think there are 3 important points you can make.

>>

Ex. 5 - Deliberative Process; Ex. 2

Ex. 5 - Deliberative Process; Ex. 2

>> Please let me know if you need anything else. I am at 202-564-2533
>> -----Original Message-----
>> From: Jackson, Ryan
>> Sent: Wednesday, April 12, 2017 3:02 PM
>> To: Flynn, Mike <Flynn.Mike@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>
>> Subject: Gym memberships???

>>
>> What's the story on this?
>>
>> I need to know shortly. We are doing press today in NY.
>>
>> Ryan Jackson
>> Chief of Staff
>> U.S. EPA
>> Ex. 6 - Personal Privacy

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Vizian, Donna
Sent: Mon 5/15/2017 9:35:42 PM
Subject: You call

Sorry I missed it. I was on a plane to Las Vegas this morning. I left you a voice mail and it was only about a minute. My cell is: Ex. 6 - Personal Privacy

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Vizian, Donna
Sent: Mon 5/15/2017 5:31:08 PM
Subject: Re: Administrators office.

I'm into using time efficiently. My good idea will no longer work. I will talk with Kevin.

> On May 12, 2017, at 8:25 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

>

> For you I'll always give 6.

>

> Ryan Jackson

> Chief of Staff

> U.S. EPA

> Ex. 6 - Personal Privacy

>

>> On May 10, 2017, at 11:36 AM, Vizian, Donna <Vizian.Donna@epa.gov> wrote:

>>

>> I have an idea - need 5 min of your time

>>

>>> On May 10, 2017, at 11:28 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

>>>

>>> Currently the refurbishing of the partners desk we found in the EPA warehouse is about \$2200. It would be very good to get that down and expedite the timing down from a month.

>>>

>>> I can't remember how much the Smithsonian has charged for the art work already hanging in his office.

>>>

>>> But I believe, outside a budget for art which I understand we may have, that confines the standing desk to about \$1000.

>>>

>>> However, the Administrator is interested in framing the presidents pen and EO's on water and energy independence, something the Vice President provided him on his birthday, and I'm sure other things will arise as we go.

>>>

>>> How best to accomplish these goals.

>>>

>>> Ryan Jackson

>>> Chief of Staff

>>> U.S. EPA

>>> Ex. 6 - Personal Privacy

To: Jackson, Ryan[jackson.ryan@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]
From: Vizian, Donna
Sent: Wed 4/12/2017 7:05:57 PM
Subject: RE: Gym memberships???

I'm on it. Will have information shortly

-----Original Message-----

From: Jackson, Ryan
Sent: Wednesday, April 12, 2017 3:02 PM
To: Flynn, Mike <Flynn.Mike@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>
Subject: Gym memberships???

What's the story on this?

I need to know shortly. We are doing press today in NY.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Chmielewski, Kevin[chmielewski.kevin@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]
From: Vizian, Donna
Sent: Thur 5/11/2017 9:16:42 PM
Subject: Re:

Sure. I'll ask Sharnett/Aaron to find a time.

> On May 11, 2017, at 5:06 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

>

> We need to talk about desks.

>

> Ryan Jackson

> Chief of Staff

> U.S. EPA

> **Ex. 6 - Personal Privacy**

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Flynn, Mike[Flynn.Mike@epa.gov]
From: Vizian, Donna
Sent: Tue 4/11/2017 8:29:49 PM
Subject: FW: Congressional Notification Daily Report 2017-04-07.xlsx
Congressional Notification Daily Report 2017-04-10.xlsx
WH Administrator's Report 04-10-2017(city).docx
Pending Report - Grants Above 250k - All Regions and HQ_263_718850557016....xlsx

Hi Ryan. I want to flag this for you, since it is from a name you probably don't recognize. This is the 1st Monday for providing the White House report and the pending actions report to the group. The Congressional Notification report is distributed daily. Please let me know if this meets your requirements or if you need something else.

Best

Donna

From: Neal, Kerry
Sent: Monday, April 10, 2017 3:01 PM
To: Neal, Kerry <neal.kerry@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Dickerson, Aaron <dickerson.aaron@epa.gov>; Willis, Sharnett <Willis.Sharnett@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>; Bloom, David <Bloom.David@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>
Cc: Vizian, Donna <Vizian.Donna@epa.gov>; Showman, John <Showman.John@epa.gov>; Cooper, Marian <Cooper.Marian@epa.gov>; Bell, Matthew <Bell.Matthew@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Milazzo, Julie <Milazzo.Julie@epa.gov>; Jones, Laurice <Jones.Laurice@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Etheredge, William <Etheredge.William@epa.gov>
Subject: Congressional Notification Daily Report 2017-04-07.xlsx

EPA Colleagues,

You are receiving this email because the Chief of Staff has requested that you be included on this weekly report. There are 3 reports included within this email. Two reports, the Pending Grant Actions > \$250K and the White House (WH) Administrator Report, have been requested weekly every Monday, while the third report, the Congressional Notification (CN) Report, is a daily report that the Office of Grants and Debarment (OGD) prepares and sends forward; it is also included here in this submission.

Below is a description and a point of contact (POC) for each report. Please don't hesitate to reach out with any questions related to this submission.

Kind regards,

Kerry Neal

~ ~ ~ ~

Kerry K. Neal

Deputy Director

Office of Grants and Debarment

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W. Mail Stop: 3901R

Washington, D.C. 20460

202-564-3766 (direct dial)

Report Type	Report Description	POC	Report Submission Frequency
Pending Grant Actions > \$250K	The purpose of this report is to show a listing of the Agency-wide Funding Packages (includes a Commitment Notice and either a Funding Recommendation or a Change Request form) that have been "Finalized" by the Program Office but have yet to be awarded. Furthermore, the reports lists only individual monetary grant actions greater than \$250,000. The source of the information contained in	William Etheredge	

	the Pending Grant Actions >\$250K report is Grants Data Mart, which reflects information input into IGMS by Grants Management staff across the agency.		
White House Administrator	The purpose of this report is to notify EPA senior leaders of awards prior to issuance for coordination and communication purposes. Grants Management Offices are required to report any assistance agreement award to the Office of Grants and Debarment (OGD), National Policy, Training and Compliance Division (NPTCD), in which the EPA contribution (including in-kind assistance) is for \$1,000,000 or greater. NPTCD compiles this information into a weekly report submitted to the White House Liaison within the Office of the Administrator.	Michael Williams	Weekly every Monday
Congressional Notification	The purpose of this report is to show monetary grant awards that were signed by EPA Award Officials the previous business day. When the award is signed, a Congressional Notification is automatically triggered within the Integrated Grants Management System (IGMS) database. The source of the information contained in the CN report is Grants Data Mart, which reflects information input into IGMS by Grants Management staff across the agency.	Laurice Jones	Daily

From: Vizian, Donna
Location: DCRoomARN3330/DC-AR-OARM
Importance: High
Subject: Canceled: EO Discussion
Start Date/Time: Wed 5/24/2017 2:30:00 PM
End Date/Time: Wed 5/24/2017 3:00:00 PM

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Vizian, Donna
Sent: Wed 5/10/2017 12:44:50 AM
Subject: Re: This is a better one. Same price.

My folks found some more information that buy American is exempt for a micro purchases. However we went back to the desk and the writing table is 30-36 inches. Writing table bottom to top. For reference my desk is 30 inches high. So it seems meant for sitting not standing. I found a standing desk that I think would compliment the big desk. I sent it to Kevin. If this works we can do the paperwork tomorrow

> On May 9, 2017, at 2:55 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

>

> I think the Buy America provision applies to iron and steel.

>

> Not wood.

>

> -----Original Message-----

> From: Vizian, Donna

> Sent: Tuesday, May 9, 2017 2:55 PM

> To: Hale, Michelle <hale.michelle@epa.gov>

> Cc: Jackson, Ryan <jackson.ryan@epa.gov>

> Subject: RE: This is a better one. Same price.

>

> Hi Michelle. This one is not made in America, so we would need to make an exception to the buy America provision. We are searching for something similar in the same cost range that is made in America. We will have some options tomorrow morning at the latest.

>

> -----Original Message-----

> From: Hale, Michelle

> Sent: Monday, May 08, 2017 12:30 PM

> To: Vizian, Donna <Vizian.Donna@epa.gov>

> Cc: Jackson, Ryan <jackson.ryan@epa.gov>

> Subject: FW: This is a better one. Same price.

>

> Donna, Ryan would like to go ahead and have this ordered. Could you check on whether it is still available and confirm that the price is \$1100?

>

>

>

> -----Original Message-----

> From: Ryan Jackson [mailto:ryanthjackson@gmail.com]

> Sent: Friday, May 5, 2017 8:04 AM

> To: Hale, Michelle <hale.michelle@epa.gov>

> Subject: This is a better one. Same price.

>

>

> https://www.1stdibs.com/furniture/storage-case-pieces/desks/oak-arts-crafts-style-davenport/id_f_6826293/#0

>

>

>

> _____
> Ryan Jackson

> Ex. 6 - Personal Privacy

>

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Vizian, Donna
Sent: Tue 5/9/2017 7:02:12 PM
Subject: FW: Buy American Act

I asked the question of my head of contracts last night to see if we could move forward. Below is what She sent me from the FAR.

From: Patrick, Kimberly
Sent: Tuesday, May 09, 2017 1:25 PM
To: Vizian, Donna <Vizian.Donna@epa.gov>
Cc: Legare, Pamela <Legare.Pamela@epa.gov>
Subject: Fwd: Buy American Act

Donna,

The Buy American Act contracting requirements States in pertinent part:

"25.101 – General.

(a) The Buy American statute restricts the purchase of supplies that are not domestic end products. For manufactured end products, the Buy American statute uses a two-part test to define a domestic end product.

(1) The article must be manufactured in the United States; and

(2) The cost of domestic components must exceed 50 percent of the cost of all the components. In accordance with 41 U.S.C. 1907, this component test of the Buy American statute has been waived for acquisitions of COTS items (see 12.505(a)).

25.103 – Exceptions.

When one of the following exceptions applies, the contracting officer may acquire a foreign end product without regard to the restrictions of the Buy American statute:

(a) *Public interest.* The head of the agency may make a determination that domestic preference would be inconsistent with the public interest. This exception applies when an agency has an agreement with a foreign government that provides a blanket exception to the Buy American statute.

(b) *Nonavailability*. The Buy American statute does not apply with respect to articles, materials, or supplies if articles, materials, or supplies of the class or kind to be acquired, either as end items or components, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality."

In purchasing the item in question (a non-U.S. manufactured item) from the 1stdibs vendor (a New York based vendor), the "Nonavailability" exception is the only exception that would apply. Before purchasing the item, you should document the file with the market research you've conducted, showing that the end product you're purchasing is not mined, produced, or manufactured in the US in sufficient and reasonably available commercial quantities and of satisfactory quality.

Kimberly Y. Patrick, Director

EPA Office of Acquisition Management

Office: 202-564-4310

Mobile: Ex. 6 - Personal Privacy

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Showman, John[Showman.John@epa.gov]; Noga, Vaughn[Noga.Vaughn@EPA.GOV]
From: Vizian, Donna
Sent: Tue 5/9/2017 6:56:11 PM
Subject: RE: Facilities Data

Folks are working on the final QA. It will be done tomorrow.

From: Jackson, Ryan
Sent: Tuesday, May 09, 2017 2:53 PM
To: Vizian, Donna <Vizian.Donna@epa.gov>
Cc: Showman, John <Showman.John@epa.gov>; Noga, Vaughn <Noga.Vaughn@EPA.GOV>
Subject: RE: Facilities Data

Thank you. Eager to get a new one with all the facilities.

From: Cooper, Marian **On Behalf Of** Vizian, Donna
Sent: Tuesday, May 9, 2017 10:45 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Vizian, Donna <Vizian.Donna@epa.gov>; Showman, John <Showman.John@epa.gov>; Noga, Vaughn <Noga.Vaughn@EPA.GOV>
Subject: Facilities Data
Importance: High

Ryan,

Attached are the main facilities. We are still confirming details on the smaller ones.

Marian Cooper

From: Vizian, Donna
Location: DCRoomARN3330/DC-AR-OARM
Importance: Normal
Subject: EO Discussion
Start Date/Time: Wed 5/10/2017 2:30:00 PM
End Date/Time: Wed 5/10/2017 3:15:00 PM

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Showman, John[Showman.John@epa.gov]; Noga, Vaughn[Noga.Vaughn@EPA.GOV]
From: Vizian, Donna
Sent: Tue 5/9/2017 1:30:48 PM
Subject: Re: Region 8 Information

Ok. We can get you that. I though you wanted CO information

On May 9, 2017, at 9:30 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

We received a spreadsheet showing the space costs for a number of the facilities at the regional level including the regional HQs.

However, the costs for region 9 HQ was listed at \$30+ million. That's not correct so I'm trying to get the correct figures. Attached is the example I'm referencing.

From: Vizian, Donna
Sent: Tuesday, May 9, 2017 9:19 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Showman, John <Showman.John@epa.gov>; Noga, Vaughn <Noga.Vaughn@EPA.GOV>
Subject: Re: Region 8 Information

Ryan do you want all regions or just R8? The R8 building is the one listed on Wynkoop street.

On May 9, 2017, at 9:08 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Thank you, but I was looking for all the regions.

From: Cooper, Marian **On Behalf Of** Vizian, Donna
Sent: Tuesday, May 9, 2017 9:08 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>

Cc: Vizian, Donna <Vizian.Donna@epa.gov>; Showman, John
<Showman.John@epa.gov>; Noga, Vaughn <Noga.Vaughn@EPA.GOV>
Subject: Region 8 Information
Importance: High

Ryan,

Attached is the information on Region 8. Please let us know if you have any questions or need additional information.

Thanks,

Marian Cooper

<mime-attachment>

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Vizian, Donna
Sent: Tue 5/9/2017 12:05:20 PM
Subject: RE:

Ryan - I am running out to an outside event and then the warehouse. Marian, my chief of staff will forward you the verified information on R8. It will come from my mailbox.

-----Original Message-----

From: Jackson, Ryan
Sent: Tuesday, May 09, 2017 7:41 AM
To: Vizian, Donna <Vizian.Donna@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>; Bloom, David <Bloom.David@epa.gov>
Subject:

We received a spreadsheet of properties associated with the regional offices including the cost for the cost of the regional offices themselves.

The Administrator is flying to CO and would like a number of things to review which I'm pulling together for him. One of the things is a spreadsheet with the corrected information.

Will you please provide as soon as possible. Thank you.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Flynn, Mike[Flynn.Mike@epa.gov]
From: Vizian, Donna
Sent: Tue 5/9/2017 12:24:08 AM
Subject: Re: Rally tomorrow

Nice. Let's hope it doesn't happen

On May 8, 2017, at 7:52 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Ex. 6 - Personal Privacy

From: Vizian, Donna
Sent: Monday, May 8, 2017 6:03 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject: Rally tomorrow

FYI – E&E is reporting a rally tomorrow aimed at blocking the entrances to EPA. My Facilities staff and the Federal Protective Service is aware of this.

<https://www.eenews.net/eenewspm/2017/05/08/stories/1060054216>

To: Jackson, Ryan[jackson.ryan@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]
Cc: Konkus, John[konkus.john@epa.gov]
From: Vizian, Donna
Sent: Mon 5/8/2017 10:01:31 PM
Subject: RE: EPA grants
Copy of Upcoming Competition Report 2017 04 (003).xlsx

Ex. 5 - Deliberative Process

From: Jackson, Ryan
Sent: Sunday, May 07, 2017 5:16 PM
To: Flynn, Mike <Flynn.Mike@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>
Subject: EPA grants

Ex. 5 - Deliberative Process

Thanks.

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

To: Jackson, Ryan[jackson.ryan@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]
Cc: Konkus, John[konkus.john@epa.gov]
From: Vizian, Donna
Sent: Mon 5/8/2017 2:11:46 PM
Subject: RE: EPA grants

Ex. 5 - Deliberative Process

From: Jackson, Ryan
Sent: Sunday, May 07, 2017 5:16 PM
To: Flynn, Mike <Flynn.Mike@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>
Subject: EPA grants

Ex. 5 - Deliberative Process

Thanks.

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

To: Jackson, Ryan[jackson.ryan@epa.gov]; Chmielewski, Kevin[chmielewski.kevin@epa.gov]
From: Vizian, Donna
Sent: Mon 5/8/2017 2:06:09 PM
Subject: RE:

Kevin - we have a car going at noon tomorrow. The pickup is in the North courtyard. Does this work for you?

-----Original Message-----

From: Jackson, Ryan
Sent: Monday, May 08, 2017 9:27 AM
To: Vizian, Donna <Vizian.Donna@epa.gov>; Chmielewski, Kevin <chmielewski.kevin@epa.gov>
Subject:

Donna, Kevin is going to help me with the dealing situation.

Were you going to view some this week?

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Chmielewski, Kevin[chmielewski.kevin@epa.gov]
From: Vizian, Donna
Sent: Mon 5/8/2017 1:44:28 PM
Subject: Re:

Warehouse tomorrow afternoon

> On May 8, 2017, at 9:26 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>
> Donna, Kevin is going to help me with the dealing situation.
>
> Were you going to view some this week?
>
> Ryan Jackson
> Chief of Staff
> U.S. EPA
> Ex. 6 - Personal Privacy

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Vizian, Donna
Sent: Thur 5/4/2017 9:08:21 PM
Subject: Hiring issue

Ex. 5 - Deliberative Process

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Vizian, Donna
Sent: Thur 5/4/2017 4:38:20 PM
Subject: FW: Chief of Staff session May 19?

Hi Ryan. Tina is from the Partnership for Public Service. They have been holding information sessions the incoming political team. It looks like the next one is for the folks that hold the chief of staff positions. Tina asked me to pass this along to you. If you are interested, I can get you registered. It is usually in their conference center which is about 4 blocks up 12th street.

From: Tina Sung [mailto:tsung@ourpublicservice.org]
Sent: Thursday, May 04, 2017 11:20 AM
To: Vizian, Donna <Vizian.Donna@epa.gov>
Cc: Jennifer Close <JClose@ourpublicservice.org>
Subject: Chief of Staff session May 19?

Donna, As we discussed, we're planning to host an intimate learning session for new Chiefs of Staff of Cabinet rank agencies on May 19, early morning.

Might you check on Ryan Jackson's calendar for his availability that morning – 8-10 a.m.?

Thanks so much,

Tina

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Vizian, Donna
Sent: Thur 5/4/2017 2:40:09 PM
Subject: RE: RE:

Ex. 5 - Deliberative Process

-----Original Message-----

From: Jackson, Ryan
Sent: Thursday, May 04, 2017 10:37 AM
To: Vizian, Donna <Vizian.Donna@epa.gov>
Subject: Re: RE:

Let's talk about it.

Ex. 5 - Deliberative Process

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

> On May 4, 2017, at 10:33 AM, Vizian, Donna <Vizian.Donna@epa.gov> wrote:
>
> Hi Ryan,

Ex. 5 - Deliberative Process

>
> -----Original Message-----
> From: Jackson, Ryan
> Sent: Tuesday, May 02, 2017 6:12 PM
> To: Vizian, Donna <Vizian.Donna@epa.gov>
> Cc: Hale, Michelle <hale.michelle@epa.gov>
> Subject:
>
> Donna, Michelle is sending two examples for approximately \$1,000 a piece. Total of no more than \$2,500.
>
> Ryan Jackson
> Chief of Staff
> U.S. EPA

Ex. 6 - Personal Privacy

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Flynn, Mike[Flynn.Mike@epa.gov]
From: Vizian, Donna
Sent: Wed 5/3/2017 8:11:19 PM
Subject: Awards Board Recommendation
EPA 2016 Recommended NHA List May 2 2017.pdf

Hi Ryan,

Following up on our conversation on the National Honor Awards, attached is the Board's recommendation. I will go forward with the appeal process. If you have any questions, please let me know.

Thanks
Donna

To: Hale, Michelle[hale.michelle@epa.gov]
Cc: Jackson, Ryan[jackson.ryan@epa.gov]
From: Vizian, Donna
Sent: Tue 5/2/2017 10:31:11 PM
Subject: Re: desk and standing desk

Thanks. Will get on it first thing.

> On May 2, 2017, at 6:26 PM, Hale, Michelle <hale.michelle@epa.gov> wrote:
>
> <https://www.houzz.com/photos/49469737/Partner-Desk-Small-Single-Sided-transitional-desks-and-hutches>
>
> <http://www.standupdesks.com/desktops/winston-churcill-standup-desk>
>
>
> -----Original Message-----
> From: Jackson, Ryan
> Sent: Tuesday, May 2, 2017 6:12 PM
> To: Vizian, Donna <Vizian.Donna@epa.gov>
> Cc: Hale, Michelle <hale.michelle@epa.gov>
> Subject:
>
> Donna, Michelle is sending two examples for approximately \$1,000 a piece. Total of no more than \$2,500.
>
> Ryan Jackson
> Chief of Staff
> U.S. EPA
> **Ex. 6 - Personal Privacy**

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Vizian, Donna
Sent: Tue 5/2/2017 10:13:06 PM
Subject: RE:

Thank you. It will help us find options.

-----Original Message-----

From: Jackson, Ryan
Sent: Tuesday, May 02, 2017 6:12 PM
To: Vizian, Donna <Vizian.Donna@epa.gov>
Cc: Hale, Michelle <hale.michelle@epa.gov>
Subject:

Donna, Michelle is sending two examples for approximately \$1,000 a piece. Total of no more than \$2,500.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

From: Vizian, Donna
Location: DCRoomARN3330/DC-AR-OARM
Importance: Normal
Subject: EO Discussion
Start Date/Time: Wed 5/3/2017 1:00:00 PM
End Date/Time: Wed 5/3/2017 2:00:00 PM

Hi Everyone,

Mike and I thought we would need a full hour this week. It looks like 9:00 works for everyone.
thanks

To: Jackson, Ryan[jackson.ryan@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]
From: Vizian, Donna
Sent: Mon 4/10/2017 1:03:10 PM
Subject: RE: Grants
Upcoming Competition Report 2017 04.xlsx

Hi Ryan. Thanks for your note. I wanted to check to make sure you are receiving the congressional notification report. The notification to congress is automated and done at the time of award. We are compiling them the next morning to capture all notifications from the previous day. The other 2 reports we talked about will start today. Since the White House report is every Monday, we are adding the pending action report for Monday also.

On the competitions, last week we asked the regions and programs to provide OARM with a list of solicitations for April and planned for May. We are setting up a process to collect that information on a monthly basis that will reflect plans for the coming month. We asked for the April/May list by 4/21. In the interim, attached is a list of competitions that will initiate prior to the 21st.

I also asked my team to add the additional recipients. As a reminder Sharnett and Aaron are also receiving the information.

If you need anything else, please let me know.

Best,
Donna

-----Original Message-----

From: Jackson, Ryan
Sent: Sunday, April 09, 2017 6:53 PM
To: Flynn, Mike <Flynn.Mike@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>
Subject: Grants

I appreciate the meeting on grants and would like to start receiving the WH and congressional notices along with an electronic copy of the pending grant actions.

Ex. 5 - Deliberative Process

Thanks.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

Funding Opportunity Title

Clean Diesel Funding Assistance Program FY 2017

Brief Description

EPA's Office of Transportation and Air Quality is soliciting proposals nationwide for projects that achieve significant reductions in diesel emissions in terms of tons of pollution produced by diesel engines and diesel emissions exposure, particularly from fleets operating at or servicing goods movement facilities located in areas designated as having poor air quality.

FY17 and FY18 Tribal Wetland Program Development Grants

Wetland Program Development Grants (WPDGs) assist state, tribal, local government (S/T/LG) agencies and interstate/intertribal entities in developing or refining state/tribal/local programs which protect, manage, and restore wetlands. The primary focus of these grants is to develop/refine

FY 2017 TRIBAL WASTE MANAGEMENT CAPACITY BUILDING TRAINING GRANT

This notice announces the availability of funds and solicits proposals from eligible entities that will provide training, peer-to-peer technical assistance and travel scholarships to federally-recognized tribes in support of waste management capacity building on tribal lands. The recipient will conduct three training courses that will assist tribes in the development and implementation of sustainable waste management programs. The training will focus on implementing an Integrated Waste Management Plan (IWMP) through waste diversion programs such as recycling, composting, et al.

Coastal Watershed Restoration Grant Program for the Southeast New England Program

EPA is soliciting applications from eligible entities under this announcement to support goals of the Southeast New England Program (SNEP) for coastal watershed restoration. These goals include: improving water quality to reduce the impact of nutrients on water quality and aquatic life; restoring physical processes that support critical habitat and ecosystem function; and aligning these restoration and management efforts on a regional scale to achieve greater effectiveness and efficiency

CFDA	Eligible Applicants	Total Funding	Issuing Office (HQs, R)
66.039	A regional, State, or local agency, tribal government (or intertribal consortium) or native village, or port authority, which has jurisdiction over transportation or air quality; a nonprofit organization or institution that represents or provides pollution reduction or educational services to persons or organizations that own or operate diesel fleets, or has, as its principal purpose, the promotion of transportation or air quality.	11,000,000	OAR
66.461	Tribes, and intertribal consortia are eligible to apply for WPDGs under this announcement. Tribes must be federally-recognized, although "Treatment as a state" status is not required.	2,644,800	OW
66.808	Proposals will be accepted from Indian tribal governments and intertribal consortia. An Indian tribal government is any tribe, band, nation, or other organized group or community, including any Alaska native village or regional or village corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act, 43 U.S.C. 1601, et seq.), which is recognized by the U.S. Department of the Interior as eligible for the special services provided by the United States to Indians because of their status as Indians	200,000	OLEM
66.129	Assistance under SNEP is available to state, local, territorial, and Tribal governments; institutions of higher education; nonprofit institutions and organizations; intertribal consortia; and interstate agencies.	20,000,000	R1

Point of Contact
Timothy P Roberts

Myra Price

Tonya Hawkins

Bryan Dore

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Vizian, Donna
Sent: Tue 4/4/2017 8:59:45 PM
Subject: Fwd: Dinner

Hi Ryan. Mike said you may be able to join us tonight. That would be great. Below is my address. Hope yonder you there.

Begin forwarded message:

From: "Vizian, Donna" <Vizian.Donna@epa.gov>
Date: April 4, 2017 at 10:47:09 AM EDT
To: 2017HQfirstassistants <2017HQfirstassistants@epa.gov>, 2017Regionfirstassistants <2017Regionfirstassistants@epa.gov>
Subject: Dinner

HI Everyone,

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

You are welcome to come a bit early to enjoy the weather but may be put to work. See you later.

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Flynn, Mike[Flynn.Mike@epa.gov]
From: Vizian, Donna
Sent: Mon 4/3/2017 3:52:09 PM
Subject: Open Grant Solicitations

Hi Ryan. Below is the list of competitions underway. I also included a link to our competition policy. It have been in place since 2005 and recently updated in 2014. Please let me know if you need anything else.

Donna

Ex. 6 - Personal Privacy

Opportunity Number	Opportunity Title	Agency	Opportunity Status	Posted Date ↓	Close Date
EPA-R9-SFBWQIF-17-01	San Francisco Bay Water Quality Improvement Fund	EPA	posted	03/29/2017	05/10/2017
EPA-OLEM-ORCR-17-03	FY 2017 HAZARDOUS WASTE MANAGEMENT GRANT PROGRAM FOR TRIBES	EPA	posted	03/29/2017	05/18/2017
EPA-REG2-WPDG-17-18	FY17 and FY18 Region 2 Wetland Program Development Grants	EPA	posted	03/26/2017	05/10/2017
EPA-G2017-ORD-E1	Cooperative Training Partnership in Aquatic Toxicology and Ecosystem Research	EPA	posted	03/20/2017	05/16/2017
EPA-REG04-17-02	FY17 Region IV Wetland Program Development Grants	EPA	posted	03/17/2017	05/01/2017
EPA-R7WWPD-17-01	FY17 and FY18 Region 7 Wetland Program Development Grants	EPA	posted	03/16/2017	05/11/2017
EPA-R5-LCD-2017	FY 2017 Sustainable Materials Management Grant	EPA	posted	03/15/2017	06/01/2017
EPA-REG1-17-01	FY17 and FY18 Region 1 Wetland Program Development Grants	EPA	posted	03/10/2017	05/01/2017
EPA-R5WPDG-2017	FY17 Region 5 Wetland Program Development Grants	EPA	posted	03/07/2017	04/20/2017
EPA-HQ-OPP-2017-002	Field Implementation Meeting Support	EPA	posted	02/24/2017	05/12/2017
EPA-REG9-WPDG-17-18	FY17 and FY18 Region 9 Wetland Program Development Grants	EPA	posted	02/23/2017	04/10/2017
EPA-R1-HC-2017	2017 HEALTHY COMMUNITIES GRANT PROGRAM	EPA	posted	02/22/2017	04/07/2017
EPA-REG6-WPDG-2017-2018	FY17 and FY18 Region 6 Wetland Program Development Grants	EPA	posted	02/16/2017	04/14/2017

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Flynn, Mike[Flynn.Mike@epa.gov]
From: Vizian, Donna
Sent: Wed 3/15/2017 5:37:41 PM
Subject: FW: Request for Meeting

Hi Ryan,

Per the request below, I wanted to let you know that Administrators in the past have met with the Executive Board of the Partnership Council. If Administrator Pruitt is interested in meeting with the Unions, OARM can help coordinate with your staff. Please just let me know.

Best,

Donna

From: Coryell, Mark
Sent: Tuesday, March 14, 2017 2:57 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Vizian, Donna <Vizian.Donna@epa.gov>; Cooper, Marian <Cooper.Marian@epa.gov>
Subject: Request for Meeting

Mr. Jackson,

My name is Mark Coryell and I am the President of AFGE Local 3907 (representing EPA employees working in Ann Arbor, MI) and current co-Chair of EPA's Labor-Management Partnership Council (<http://intranet.epa.gov/ohr/emprelations/npc/charter.htm>). On behalf of the Union representatives on the Partnership's Executive Board, I am requesting a meeting with Administrator Pruitt. We would like to introduce ourselves and explore ways where we can continue to work together to foster more productive and cost effective service to the Agency's customers and to improve the working conditions, career development, and morale of employees.

Thank you for your consideration. I look forward to your response.

Mark Coryell

To: 2017HQfirstassistants[2017HQfirstassistants@epa.gov];
2017Regionfirstassistants[2017Regionfirstassistants@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov];
Elkins, Arthur[Elkins.Arthur@epa.gov]; Associate Administrators[Associate_Administrators@epa.gov]
Cc: DAA-Career[DAACareer@epa.gov]; DRA[DRA@epa.gov]; ARA[ARA@epa.gov]; Gray,
Linda[gray.linda@epa.gov]; Carpenter, Wesley[Carpenter.Wesley@epa.gov]; Helm, Arron
(Helm.Arron@epa.gov)[Helm.Arron@epa.gov]; Rick Carter[Carter.Rick@epa.gov]; Taylor,
Jeremy[Taylor.Jeremy@epa.gov]; Bonner, Jerome[Bonner.Jerome@epa.gov]; OHR
PMOs[OHR_PMOs@epa.gov]; RHRO[RHRO@epa.gov]; Hart, Debbi[Hart.Debbi@epa.gov]; Jackson,
Ryan[jackson.ryan@epa.gov]; Cooper, Marian[Cooper.Marian@epa.gov]; Hunt,
Loretta[Hunt.Loretta@epa.gov]
Bcc: Johnson, Karen[johnson.karen@epa.gov]
From: Vizian, Donna
Sent: Tue 3/14/2017 7:12:53 PM
Subject: Fiscal Year 2017 Mid-Year Progress Reviews for General Schedule Employees
[2017 Mgmt Training Schedule - Attachment 1. 3-2-17.docx](#)
[FY17 Mid Year Progress Reviews for GS Employees Attachment 2.pdf](#)
[FY 2017 Mid-Year Progress Reviews for GS Employees.pdf](#)

MEMORANDUM

SUBJECT: Fiscal Year 2017 Mid-Year Progress Reviews for General Schedule Employees

FROM: Donna J. Vizian, Acting Assistant Administrator

TO: General Counsel

Assistant Administrators

Inspector General

Chief Financial Officer

Chief of Staff

Associate Administrators

Regional Administrators

The U.S. Environmental Protection Agency's *Performance Appraisal and Recognition*

System policy requires that supervisors and employees meet twice a year, once at mid-year and once at the end of the fiscal year, to discuss employee performance. The FY 2017 PARS rating cycle, which is from

October 1, 2016 through September 30, 2017, is nearing the mid-year point when these progress reviews must take place.

A mid-year progress review is an important way for a supervisor to provide ongoing feedback and document employee performance. During the review, the supervisor and employee should discuss the employee's progress toward achieving the critical elements in the PARS agreement. This discussion must be formally documented by initialing and dating the employee's applicable PARS form (bargaining or non-bargaining unit). The review also provides the supervisor with an opportunity to review the employee's position description and to work with the servicing Human Resources Shared Service Center to ensure it is current and appropriately classified.

Recently, the U.S. Office of Personnel Management sent agencies guidance on maximizing employee performance and addressing misconduct. OPM's guidance highlights the tools available to managers and supervisors for addressing performance issues.

If a supervisor has concerns about an employee's performance their servicing labor and employee relations specialist can provide guidance. Federal regulation and the EPA policy require a supervisor to provide assistance to an employee if an employee's performance falls below the fully successful level on any critical element at any time during the rating cycle. Please remember, there are steps a supervisor **must** take when an employee's performance falls below the fully successful level, and it is best to work with your labor and employee relations specialist to ensure that you are following the correct process.

Training on performance management is also available for supervisors and managers through the management training series offered by the Office of Administration and Resources Management-Research Triangle Park. Invitations are sent monthly to all EPA supervisors and managers. Please see the attached schedule for more information. The upcoming courses on performance management are:

●□□□□□□□□ March 28th – PAPs, PIPs, Awards? Oh My!

- July 19th – Performance Management
- September 26th – Performance Management

In accordance with the [PARS guidance](#), offices must complete their FY 2017 mid-year progress reviews by May 5, 2017. By June 2, 2017, the deputy assistant administrator or the deputy regional administrator must certify that mid-year progress reviews for all staff were completed using the attached certification template. If there is a legitimate reason why a supervisor was unable to conduct an employee's mid-year progress review (for example, the employee is on extended absence), the certification must provide the employee's name, an explanation for the delay and an estimate of when the mid-year review will be completed.

Thank you for your help in complying with agency policy and meeting these deadlines. Please have your staff send your signed PARS certification to Loretta Hunt, chief, Policy and Accountability Branch, at hunt.loretta@epa.gov. If you have questions, please contact me at (202) 564-4600 or have your staff contact Linda Gray, director, Office of Human Resources, at (202) 564-4606.

Attachments

1. OARM-RTP Management Training Schedule
2. Mid-Year Certification Templates

cc: Deputy Assistant Administrators

Deputy Regional Administrators

Assistant Regional Administrators

Director, Office of Human Resources

Deputy Director, Office of Human Resources

Directors, OARM/Cincinnati and RTP

Directors, Human Resources Shared Service Centers

Program Management Officers

Regional Human Resources Officers

Director, Policy, Planning and Training Division

To: Jackson, Ryan[jackson.ryan@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]
From: Vizian, Donna
Sent: Thur 3/9/2017 6:08:11 PM
Subject: RE:

Thanks Ryan

From: Jackson, Ryan
Sent: Thursday, March 09, 2017 1:07 PM
To: Vizian, Donna <Vizian.Donna@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject:

I reached who I wanted to about the NV lab. Please move forward with your recommendation.
Thanks.

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

From: Vizian, Donna
Location: 3402 WJC-N
Importance: Normal
Subject: Tentative: Discussion on facilities in Las Vegas with Donna V.
Start Date/Time: Fri 3/3/2017 3:30:00 PM
End Date/Time: Fri 3/3/2017 4:00:00 PM

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Vizian, Donna
Sent: Mon 2/27/2017 1:19:56 PM
Subject: Tulsa Federal Building

Good morning. This is what my folks confirmed this morning.

From: Noga, Vaughn
Sent: Monday, February 27, 2017 7:56 AM
To: Vizian, Donna <Vizian.Donna@epa.gov>
Subject: RE: Need the name of the building in OK

Tulsa Federal Building - @ 224 S. Boulder Ave. It is also known as the Tulsa Post Office and Courthouse

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Vizian, Donna
Sent: Sun 2/26/2017 9:03:54 PM
Subject: Tulsa federal building

Hi Ryan. I hope your weekend is going well. My R6 contact said that the name is the Tulsa Federal Building and it is on Boulder Ave. We will call GSA tomorrow to see if it known by another name.

Best
Donna

From: Vizian, Donna
Location: 3402 WJC-N
Importance: Normal
Subject: Accepted: General with Donna Vizian
Start Date/Time: Fri 2/24/2017 9:00:00 PM
End Date/Time: Fri 2/24/2017 9:30:00 PM

To: Patrick, Kimberly[Patrick.Kimberly@epa.gov]; Legare, Pamela[Legare.Pamela@epa.gov]
From: Vizian, Donna
Sent: Mon 4/24/2017 11:06:15 AM
Subject: Fwd: Is all the new administration's talk about cost savings just talk? Re: Unsolicited Proposal to replace current RFQ-17-0001 for a savings of \$344,027.57 (43%) [WARNING: SPF validation failed]
[SIRCOMED Hybrid Proposal March 2017.pdf](#)
[ATT00001.htm](#)
[EPA RFQ-17-0001.xls](#)
[ATT00002.htm](#)
[Cisco product bulletin c25-696974 updates.pdf](#)
[ATT00003.htm](#)
[CC Overview Bob Judge.pdf](#)
[ATT00004.htm](#)
[Cisco IOS software and EoSW documentation.docx](#)
[ATT00005.htm](#)

GM. please see below. I need to get back to Mike

Begin forwarded message:

From: "Flynn, Mike" <Flynn.Mike@epa.gov>
Date: April 24, 2017 at 6:55:38 AM EDT
To: "Vizian, Donna" <Vizian.Donna@epa.gov>
Subject: Fwd: Is all the new administration's talk about cost savings just talk? Re: Unsolicited Proposal to replace current RFQ-17-0001 for a savings of \$344,027.57 (43%) [WARNING: SPF validation failed]

Donna, do you know what this is all about?

Mike Flynn
Acting Deputy Administrator
U.S. Environmental Protection Agency
(202) 564-4711

Begin forwarded message:

From: "Kent Peterson" <kpeterson@sircomed.com>
To: "Dolan, Sheila" <dolan.sheila@epa.gov>, "Flynn, Mike" <Flynn.Mike@epa.gov>, "Vizian, Donna" <Vizian.Donna@epa.gov>, "Bloom, David" <Bloom.David@epa.gov>, "Fine, Steven" <fine.steven@epa.gov>, "Pruitt, Scott" <Pruitt.Scott@epa.gov>
Cc: "White, Jessica" <White.Jessica@epa.gov>, "Gosnell, Jody" <Gosnell.Jody@epa.gov>, "Norwood, Lamont" <Norwood.Lamont@epa.gov>, "Harvey.Thelma@epa.gov" <Harvey.Thelma@epa.gov>, "Henderson, Terec"

<Henderson.Teree@epa.gov>, "Jones, Denean" <Jones.Denean@epa.gov>, "sarocco.silvia@epa.gov" <sarocco.silvia@epa.gov>, "ocfoinfo" <ocfoinfo@epa.gov>, "Patrick, Kimberly" <Patrick.Kimberly@epa.gov>, "OIG WEBCOMMENTS" <OIG_WEBCOMMENTS@epa.gov>, "Creed, Suzette" <Creed.Suzette@epa.gov>, "Baptist, Douglas" <Baptist.Douglas@epa.gov>, "Belles, Richard" <Belles.Richard@epa.gov>, "Bob Judge" <bobj@tredent.com>
Subject: Is all the new administration's talk about cost savings just talk? Re: Unsolicited Proposal to replace current RFQ-17-0001 for a savings of \$344,027.57 (43%) [WARNING: SPF validation failed]

Ms. Dolan, Good Morning. Can you or someone at the EPA please take a moment and respond to our team why the EPA did not even acknowledge our unsolicited alternate proposal for the below bid that was just awarded? Did we not follow a proper procedure? I am unclear as to why an agency would not even respond or give an inquiry to a proposal that would have saved the **EPA \$344,027.57** or 43% over what you are getting read to pay with the below award? Our proposal would have given your agency the exact same levels of coverage that you are getting with the current award. With all of the talk of budget cuts and cost savings, why was there no response?

As a supporter of the new administration and the talking points about being smart and cutting costs, this is very disheartening.

We humbly request a response as to why our proposal was not even responded to.

Award

Apr 10, 2017

3:06 pm

Our Hybrid solution saves \$344,027.57 (43%)

<https://www.fbo.gov/index?s=opportunity&mode=form&tab=core&id=79a73d1c4bfeba569aea3dd0>

Kent Peterson

Sircomed

Ex. 6 - Personal Privacy

O)

C)

From: Kent Peterson

Sent: Tuesday, March 28, 2017 12:04 PM

To: dolan.sheila@epa.gov

Cc: white.jessica@epa.gov; Gosnell, Jody; Norwood.Lamont@epa.gov; Harvey.Thelma@epa.gov; Henderson.Teree@epa.gov; Jones.Denean@epa.gov; sarocco.silvia@epa.gov; ocfoinfo@epa.gov; Patrick.Kimberly@epa.gov; [OIG WEBCOMMENTS@epa.gov](mailto:OIG_WEBCOMMENTS@epa.gov); creed.suzette@epa.gov; baptist.douglas@epa.gov; belles.richard@epa.gov; Norwood.Lamont@epa.gov; Bob Judge; Norm Cox

Subject: Unsolicited Proposal to replace current RFQ-17-0001 for \$500,000.00 savings

Hello Ms. Dolan, we are sending you and your agency the following unsolicited proposal in response to your current bid on FEDBID, Buy #851795. We believe that our proposal can save your agency over \$500,000.00. Our proposal can be instantly implemented, just as easily as the solution you are currently asking for. In light of the current Federal Budget cuts to the EPA, **we** feel that we are providing an outstanding option to save you and your office over \$500,000.00 dollars and not have to sacrifice anything in return benefits wise that the EPA currently has in place. We are available to discuss the attached proposal and accompanying documents at your request. As you can see by the below correspondence, our team has been actively engaged with the EPA since November of 2016.

Thank you for your time and consideration.

Ex. 4 - CBI

From: Bob Judge

Sent: Wednesday, February 22, 2017 12:15 PM
To: 'white.jessica@epa.gov' <white.jessica@epa.gov>; 'Gosnell, Jody' <Gosnell.Jody@epa.gov>
Cc: 'kpeterson@sircomed.com' <kpeterson@sircomed.com>
Subject: EPA Hybrid Maintenance Proposal Video Summary

Hello Jessica and Jody,

I hope all is well at the EPA. We have not heard back on any decision from the EPA about your Cisco Maintenance so we hope you are still considering our Hybrid Proposal.

The ADS/Sircomed and Tredent team created 2 videos for the EPA and attached a new spreadsheet titled EPA Hybrid Proposal Summary to share with your IT team.

Video 1- A walk through of the EPA Hybrid Proposal Summary Spreadsheet

Video 2 - An enlightening look at Cisco Software Policies that explains the Hybrid Maintenance Coverage recommendations.

Click on images for videos or go here <http://www.tredent.com/epa-hybrid-proposal>

Please let us know if you have any questions,

Thank you,

Bob Judge

From: Bob Judge
Sent: Thursday, December 15, 2016 9:33 AM
To: 'white.jessica@epa.gov' <white.jessica@epa.gov>
Cc: Kent Peterson <kpeterson@sircomed.com>
Subject: FW: EPA Hybrid Maintenance Summary

Hi Jessica,

Thank you for the call. This is additional information from the Unsolicited Proposal submitted by Sircomed. Please provide official feedback the unsolicited proposal per the request of the CEO of Sircomed.

I understand the EPA is still considering our Unsolicited Proposal. We want to re-summarize our proposal to help add some clarity.

We are confident that our innovative and unique proposal is the most viable and complete coverage for Cisco maintenance yet offered to the EPA. We will try and be as clear and concise as possible with the understanding that some of the information from our research of Cisco's policies may be new to EPA and may need to be further explained in future discussions.

Here is a quick outline to further explain our unsolicited proposal with more detailed explanation points below.

Ex. 4 - CBI

Ex. 4 - CBI

Ex. 4 - CBI

Ex. 4 - CBI

Ex. 4 - CBI

Ex. 4 - CBI

We are available to answer any questions

Thank you,

Bob Judge

Kent Peterson

Sircomed

Ex. 6 - Personal Privacy

(O)

(C)

To: Chiara Trabucchi[CTrabucchi@indecon.com]
Cc: Bell, Matthew[Bell.Matthew@epa.gov]; Cooper, Marian[Cooper.Marian@epa.gov]; Hitchens, Lynnann[hitchens.lynnann@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]
From: Vizian, Donna
Sent: Thur 6/1/2017 12:34:00 PM
Subject: Agency wide Organization List as of 5-31-17.xlsx
Agencywide Orgrun as of 5-31-17.xlsx

Hi Chiara,

Here is the agency-wide data. We tried to make the headers descriptive. This is now everything I have that could address items 1-9 in your email. I would hesitate doing # 4 without further defining what you want to include and us doing a data call. Also, #5 I do not have the time to hire by program/region. Please call if you have questions.

Best,

Donna

To: Hart, Debbi[Hart.Debbi@epa.gov]; Hunt, Loretta[Hunt.Loretta@epa.gov]
From: Vizian, Donna
Sent: Mon 4/17/2017 2:06:38 PM
Subject: Fwd: EPA Workforce Reshaping Information
Guiding Questions WFP revApril2017.docx
ATT00001.htm

I tweaked the checklist so use this version

Begin forwarded message:

From: "Vizian, Donna" <Vizian.Donna@epa.gov>
To: "Flynn, Mike" <Flynn.Mike@epa.gov>
Subject: EPA Workforce Reshaping Information

Hi Mike – I intend to send this after you send your email. The pdfs are the OPM guides – no need to review.

HI Everyone,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Your office submittals will be compiled into one, agency-level VERA/VSIP proposal that will ultimately be submitted to OPM and OMB for review and approval. Your program or regional office must provide the following documentation to Debbi Hart, director, Policy, Planning and Training Divisions, **no later than May 24, 2017.**

Ex. 5 - Deliberative Process

Should you have questions, please contact me at (202) 564-4600 or Linda Gray, director, Office of Human Resources, at (202) 564-4606. Please have your staff contact Debbi Hart or Loretta Hunt.

List of Attachments

Ex. 5 - Deliberative Process

To: Patrick, Kimberly[Patrick.Kimberly@epa.gov]; Legare, Pamela[Legare.Pamela@epa.gov]
From: Vizian, Donna
Sent: Tue 4/11/2017 2:34:43 PM
Subject: Fwd: Is all the new administration's talk about cost savings just talk? Re: Unsolicited Proposal to replace current RFQ-17-0001 for a savings of \$344,027.57 (43%) [WARNING: SPF validation failed] [SIRCOMED Hybrid Proposal March 2017.pdf](#)
[ATT00001.htm](#)

Any ideas what this is about?

Begin forwarded message:

From: "Kent Peterson" <kpeterson@sircomed.com>
To: "Dolan, Sheila" <dolan.sheila@epa.gov>, "Flynn, Mike" <Flynn.Mike@epa.gov>, "Vizian, Donna" <Vizian.Donna@epa.gov>, "Bloom, David" <Bloom.David@epa.gov>, "Fine, Steven" <fine.steven@epa.gov>, "Pruitt, Scott" <Pruitt.Scott@epa.gov>
Cc: "White, Jessica" <White.Jessica@epa.gov>, "Gosnell, Jody" <Gosnell.Jody@epa.gov>, "Norwood, Lamont" <Norwood.Lamont@epa.gov>, "Harvey.Thelma@epa.gov" <Harvey.Thelma@epa.gov>, "Henderson, Teree" <Henderson.Teree@epa.gov>, "Jones, Denean" <Jones.Denean@epa.gov>, "sarocco.silvia@epa.gov" <sarocco.silvia@epa.gov>, "ocfoinfo" <ocfoinfo@epa.gov>, "Patrick, Kimberly" <Patrick.Kimberly@epa.gov>, "OIG WEBCOMMENTS" <OIG_WEBCOMMENTS@epa.gov>, "Creed, Suzette" <Creed.Suzette@epa.gov>, "Baptist, Douglas" <Baptist.Douglas@epa.gov>, "Belles, Richard" <Belles.Richard@epa.gov>, "Bob Judge" <bobj@tredent.com>
Subject: Is all the new administration's talk about cost savings just talk? Re: Unsolicited Proposal to replace current RFQ-17-0001 for a savings of \$344,027.57 (43%) [WARNING: SPF validation failed]

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Our Hybrid solution saves \$344,027.57 (43%)

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Kent Peterson

Sircomed



From: Kent Peterson

Sent: Tuesday, March 28, 2017 12:04 PM

To: dolan.sheila@epa.gov

Cc: white.jessica@epa.gov; Gosnell, Jody; Norwood.Lamont@epa.gov; Harvey.Thelma@epa.gov; Henderson.Teree@epa.gov; Jones.Denean@epa.gov; sarocco.silvia@epa.gov; ocfoinfo@epa.gov; Patrick.Kimberly@epa.gov; OIG_WEBCOMMENTS@epa.gov; creed.suzette@epa.gov; baptist.douglas@epa.gov; belles.richard@epa.gov; Norwood.Lamont@epa.gov; Bob Judge; Norm Cox

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proposal in response to your current bid on FEDBID, Buy #851795. We believe that our proposal can save your agency over \$500,000.00. Our proposal can be instantly implemented, just as easily as the solution you are currently asking for. In light of the current Federal Budget cuts to the EPA, **we feel that we are providing an outstanding option to save you and your office over \$500,000.00 dollars and not have to sacrifice anything in return benefits wise that the EPA currently has in place.** We are available to discuss the attached proposal and accompanying documents at your request. As you can see by the below correspondence, our team has been actively engaged with the EPA since November of 2016.

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Ex. 4 - CBI

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Sent: Wednesday, February 22, 2017 12:15 PM
To: 'white.jessica@epa.gov' <white.jessica@epa.gov>; 'Gosnell, Jody' <Gosnell.Jody@epa.gov>
Cc: 'kpetererson@sircomed.com' <kpetererson@sircomed.com>
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Please let us know if you have any questions,

Thank you,

Bob Judge

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Sent: Thursday, December 15, 2016 9:33 AM
To: 'white.jessica@epa.gov' <white.jessica@epa.gov>
Cc: Kent Peterson <kpeterson@sircomed.com>
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Here is a quick outline to further explain our unsolicited proposal with more detailed explanation points below.

Ex. 4 - CBI

Ex. 4 - CBI

Ex. 4 - CBI

Ex. 4 - CBI

Ex. 4 - CBI

Ex. 4 - CBI

We are available to answer any questions

Thank you,

Bob Judge

Kent Peterson

Sircomed

Ex. 6 - Personal Privacy (O)

Ex. 6 - Personal Privacy (C)

To: Noga, Vaughn[Noga.Vaughn@EPA.GOV]
From: Vizian, Donna
Sent: Wed 4/26/2017 1:38:24 PM
Subject: Fwd: Annual Senior Agency Official Self-Inspection Program Report
[Self-Inspection Tasker, Non-DoD Agencies, 2017-04-25.pdf](#)
[ATT00001.htm](#)

Begin forwarded message:

From: "YuJin Kim" <yujin.kim@nara.gov>
To: "Vizian, Donna" <Vizian.Donna@epa.gov>
Cc: "Lasher, Diane" <Lasher.Diane@epa.gov>, "Robert Skwirot" <robert.skwirot@nara.gov>
Subject: Annual Senior Agency Official Self-Inspection Program Report

Good morning,

On behalf of Mark A. Bradley, Director, Information Security Oversight Office, I am forwarding a memorandum that serves as a reminder and provides further instruction on submission of the annual senior agency official self-inspection report that is required by E.O. 13526, "Classified National Security Information." Also included are instructions for submitting the report and a form on which to submit the response.

The attached form should be used to submit the self-inspection report. The document is a form-fillable PDF, in which information can be saved and revised by the user. Please ensure that the report is signed or otherwise endorsed by you as the senior agency official for the classified national security information program. This year's report must be submitted electronically to ISOO no later than November 1, 2017.

Regards,

YuJin Kim
Information Security Oversight Office
yujin.kim@nara.gov | 202.357.6854

To: Gray, Richard[Gray.Richard@epa.gov]
Cc: Corbett, Krysti[Corbett.Krysti@epa.gov]
From: Vizian, Donna
Sent: Fri 6/2/2017 5:37:49 PM
Subject: Debt Collection Notice

Ex. 6 - Personal Privacy
OIG ROI - reduced size.pdf

Pursuant to 40 C.F.R. Part 13, I am writing to request a debt collection from Ex. 6 - Personal Privacy
Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy for \$21,287.46. Ex. 6 - Personal Privacy used her EPA-issued
air card on her personal computer while on personal overseas trips.

Under EPA Order CIO 2101.0, *Policy on Limited Personal Use of Government Equipment*, dated April 2, 2004, limited personal use of government equipment is permitted if it involves minimal additional expense to the government.

On May 5, 2010, Tom Pastore, former Director, Resources Management Staff (RMS), Office of Administration, emailed OARM employees instructing them that when they travel overseas to notify him, Beverly Ware or Sarah VanFossen in order to change their U.S. mobile device plans to international plans to mitigate roaming charges. Ex. 6 - Personal Privacy
Ex. 6 - Personal Privacy emailed Sarah VanFossen informing her that she intended to use her air card in Israel the following week and inquired into the appropriate next steps. Email communications reflect Ex. 6 - Personal Privacy knowledge of high roaming charges because of her use of the air card overseas. Ex. 6 - Personal Privacy however, never received an international plan, and subsequently used her air card on four personal trips accruing significant roaming charges. Specifically:

Trip	Trip Dates	Roaming or Average	Additional Kilobytes
1	06/10/10-06/21/10	\$ 1,797.58	7,576
2	12/08/10 – 12/18/10	\$18,002.05	83,731
3	08/17/11 – 08/27/11	\$879.63	4,091
4	09/10/12 - 09/18/12	\$608.20	3,481
Total		\$21,287.46	

The agency Working Capital Fund automatically paid Ex. 6 - Personal Privacy roaming charges for these trips. As Ex. 6 - Personal Privacy used her air card on the above-listed personal trips and as reflected by the excessive roaming charges, her use of the air card went beyond the limited personal use permitted by the agency policy. Therefore, the roaming charges constitute a debt to the agency. I am requesting that debt collection procedures be initiated against Ex. 6 - Personal Privacy to recover the \$21,287.46 incurred by EPA.

Ex. 6 - Personal Privacy resigned from the Agency effective May 8, 2014.

Attached, please find the Office of Inspector General (OIG) Report of Investigation (ROI) regarding [Ex. 6 - Personal Privacy] use of her air card. Unrelated information contained the ROI has either been redacted or removed.